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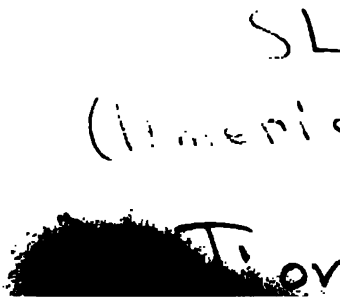

TRANSACTIONS

OF THE

NATIONAL CONGRESS

ON

Penitentiary and Reformatory Discipline,

HELD AT

CINCINNATI, OHIO,

OCTOBER 12–18, 1870.

EDITED BY

E. C. WINES, D.D.,

Chairman of the Publishing Committee.

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DECLARATION BY THE CONGRESS.

This Congress, while recognizing the ability and value of the papers furnished by writers, both at home and abroad, cannot assume responsibility for every sentiment and utterance therein contained. The Congress holds itself responsible only for the principles and acts sanctioned by a formal vote of the body.

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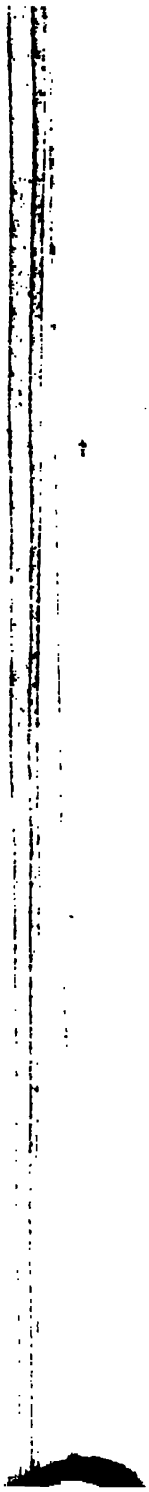

TRANSACTIONS.

I. Organization of the Congress — Opening Addresses — Standing Committees — Roll of Members.

The National Congress on Penitentiary and Reformatory Discipline assembled at Thom's hall, Cincinnati, Ohio, at 10 o'clock A. M., October 12th, 1870, and was called to order by Mr. F. B. Sanborn, of Springfield, Mass., chairman of the committee of arrangements, upon whose nomination the Hon. A. T. Goshorn, of Ohio, was elected temporary chairman.

On motion of the Rev. A. G. Byers, of Ohio, H. A. Monfort, of Ohio, was chosen temporary secretary.

Prayer was offered by Rev. C. L. Thompson, of Cincinnati.

Major Goshorn then delivered an address of welcome on the part of the citizens, as follows:

Ladies and Gentlemen of the Congress: I have been delegated by the local committee of arrangements to extend to you, in behalf of the citizens of Cincinnati, a hearty greeting and a cordial welcome to the hospitalities of our city. In none of the many national gatherings with which we have been honored, have we felt so highly complimented as in the selection of this city as the place of your assembling to organize a congress for the promotion of the welfare and reformation of unfortunate humanity.

The object of your coming together is one which should engage the sympathy and co-operation of all good citizens throughout the land. With a rapidly increasing population and the disposition of the people to congregate in large cities, we have an alarming increase of crime, and legislation is obliged to be ever devising new remedies and imposing fresh penalties for the protection of society. But while our civilization is marked by its advanced and prompt legislation and distinguished for its physical care of criminals, prison discipline and the reformation of the convict are still an unsolved problem, notwithstanding their high importance in establishing public security and social harmony. It is not

enough that we erect great prison-houses, grand in conception, beautiful in architectural design and finish, and liberal in their appointments. These are monuments of the prosperity of the state and evidences of the determination of society to protect itself against evil-doers; but the granite walls and iron-bars, although they deprive the criminal of his liberty and inflict a just physical punishment, do not work that reformation in the soul of the man, that will restore him to society regenerated and reformed. Until this is in some measure accomplished, our system of prison discipline is imperfect and ineffectual.

It is never to be forgotten that the criminal is a man, and entitled to all the offices of humanity, which are consistent with the treatment of him as a criminal. That humanitarian sentiment which would reject all punishment is inconsistent with the proper control of the vicious passions and desires of men, and would quickly demoralize society, and subvert the very foundations of moral and civil government.

The dignity of the law must be vindicated, and society must be protected by the prompt and decisive punishment of crime. It cannot be otherwise in a well constituted government. Jurists and legislators, who are chiefly occupied with the forms and processes of government, have little thought or care of the criminal after he has been sentenced and submitted to the penalties of the law. They do not seem to realize that the most grievous imperfection in governments is the failure to effect that reformation in the disposition and conduct of the criminal, which society has a right to expect and ought to require.

However equitably and impartially punishments may have been administered, however liberally the state may have provided for the care and physical comfort of the prisoner, there is yet wanting the discipline to produce that change in the criminal, which may reasonably be expected from a just punishment. It is left to the philanthropic and christian sentiment of the age to devise ways and means to elevate the unfortunate and wayward to the true dignity of manhood. That discipline and those reformatory processes, which will send forth the criminal from his bondage a better citizen, a regenerate man, will accomplish more for the cause of humanity than all that legislation has yet devised for the protection and welfare of society.

We recognize in your assembling to discuss these grave and important questions the true index of an enlightened and pro

gressive age. The desire to alleviate the misfortunes of man, and the sentiment of good-will toward the vicious and wayward which has called you together, appeal most profoundly to our sympathies. Your efforts to effect a reform in penitentiary discipline will meet with a hearty response in the breasts of good and wise men throughout the nation. The theme for your discussions is a noble one, full of interest and yet full of difficulty, which, I trust, may be happily overcome by your consultations.

Again acknowledging the honor of your presence in our midst, with these brief words I wish you a pleasant sojourn in our city and a profitable session.

Mr. Z. R. BROCKWAY, of Michigan, responded to the address of welcome in a highly felicitous manner.

Mr. H. THANE MILLER moved that a committee of seven be appointed to report upon a permanent organization of the convention, upon which the chair appointed the following gentlemen: H. Thane Miller, and A. E. Chamberlain, of Ohio; Henry Hopkins, of Kansas; Hon. Edwin Hurlbut, of Wisconsin; Dr. John Benson, of Maine; Hon. Henry Cordier, of Pennsylvania; and Rev. B. W. Chidlaw, of Ohio.

The Rev. Dr. WINES, of New York, read the following letter from the Hon JAMES G. BLAINE, Speaker of the United States House of Representatives:

AUGUSTA, Maine, *6th Oct.*, 1870.

MY DEAR SIR: An intimate friend and neighbor, Ex-Governor Coney, died last evening, and this sad event prevents my leaving home this week, and thus deprives me of the great pleasure and profit I should have derived from meeting you in Cincinnati. Be pleased to convey to the prison congress my very profound regret at not being able to fulfill my engagement; this providential dispensation places it entirely beyond my power.

With the sincerest wishes for the abundant success of your meeting, I am, as ever,

Your friend, very truly,

J. G. BLAINE.

Rev. E. C. WINES, D.D.,
38 Bible House, New York.

The report of the committee on permanent organization was then submitted, and the congress organized as follows:

PRESIDENT:

His Ex'cy RUTHERFORD B. HAYES, Governor of Ohi

VICE-PRESIDENTS:

United States,	Rev. E. C. Wines, D.D., Ll
California,	Rev. James Woodworth.
Connecticut,	E. W. Hatch, M.D.
Illinois,	George W. Perkins.
Indiana,	Gov. Conrad Baker.
Iowa,	Martin Heisey.
Kansas,	Hon. E. Hensley.
Kentucky,	Hon. R. K. White.
Maine,	Hon. E. G. Harlow.
Maryland,	G. S. Griffith.
Massachusetts,	F. B. Sanborn.
Michigan,	Hon. C. J. Walker.
Missouri,	Rev. D. A. Wilson.
Nebraska,	Hon. F. Templin.
New Hampshire,	Ex-Gov. Frederick Smyth.
New Jersey,	Ex-Gov. Daniel Haines.
New York,	Gen. Amos Pilsbury.
North Carolina,	Hon. G. Wm. Welker
Ohio,	Hon. Charles Thomas.
Pennsylvania,	T. H. Nevin.
Rhode Island,	E. M. Snow, M. D.
South Carolina,	Gen. C. J. Stolbrand.
Tennessee,	T. A. Atchison, M. D.
West Virginia,	William B. Curtis, M. D.
Wisconsin,	Hon. Edwin Hurlbut.
Dominion of Canada,	Wm. Elder, A. M.
Colombia, South America,	Enrique Cortes.

SECRETARIES:

Bradford K. Peirce, D. D., New York.
Z. R. Brockway, Michigan.
Rev. A. G. Byers, Ohio.
Rev. Joshua Coit, Massachusetts.

TREASURER:

Charles F. Coffin, Indiana.

On motion by Dr. WINES, Governors BAKER and HAINES appointed a committee to conduct the permanent President to chair; which duty having been duly discharged, Gov. HAYE

taking the chair, was greeted with cordial applause, and addressed the congress as follows:

LADIES AND GENTLEMEN OF THE CONGRESS: Called without preparation to the performance of unfamiliar duty, I trust I may rely upon your generous assistance and charitable judgment.

I do not undertake, even in general terms, to state the purpose of our assembling. The objects of the congress will, no doubt, amply appear in the papers and discussions of gentlemen whose experience, ability and studies enable them to speak, not merely intelligently, but with almost absolute authority, upon the interesting topics that will come before the convention. I therefore desire simply to make my profound acknowledgment for the honor conferred upon me, and to express the hope, the confident hope, that all that shall be here said and done will tend to the formation of a wise, just and humane public opinion in respect to the great subject that brings us together. In short, our wish is that the people, everywhere, may be brought to feel that prison discipline ought to be placed upon the only solid and sure foundation — a foundation whose chief corner-stone is the golden rule: "As ye would that men should do to you, do ye also to them likewise."

Mr. Z. R. BROCKWAY moved the appointment of a business committee of seven members. Carried, and the following gentlemen were appointed by the chair: Z. R. BROCKWAY, of Michigan, Rev. Drs. E. C. WINES and B. K. PEIRCE, of New York, H. THANE MILLER, of Ohio, Hon. E. B. SMITH, of Maine, F. B. SANBORN, of Massachusetts, and P. CALDWELL, of Kentucky.

On motion by Dr. WINES, it was ordered that a committee of three on credentials be appointed, whereupon the president designated as such committee Dr. WINES, of New York, H. A. MONFORT, of Ohio, and Rev. MARCUS AMES, of Massachusetts.

On motion of CHARLES F. COFFIN, of Indiana, it was resolved that a finance committee of seven be appointed. The CHAIR named on the committee CHARLES F. COFFIN, of Indiana, CHARLES THOMAS, JOHN BELL, and JOS. PERKINS, of Ohio, I. C. JONES, of New York, T. H. NEVIN, of Pennsylvania, and EDWARD L. PIERCE, of Massachusetts.

On motion of H. THANE MILLER, of Ohio, it was ordered, that members, in discussing papers and resolutions, be limited to five minutes each, unless otherwise ordered by the congress.

ROLL OF MEMBERS.

1. Alabama.

Not represented.

2. Arkansas.

Not represented.

3. California.

Rev. James Woodworth, Sec'y California Prison Commission, .. San Francisco.

4. Connecticut.

Rev. Thos. K. Fessenden, Deputy of Gov. English, and Sec'y Board Trustees Girls' State Industrial School, ... Farmington.
E. W. Hatch, M. D., Supt. and Physician State Reform School, . West Meriden.
Hiram Foster, Trustee and Sec'y State Reform School,..... West Meriden.
Timothy M. Allyn, Special Commissioner State Prison, and President Board Trustees Girls' State Industrial School,..... Hartford.

5. Delaware.

Not represented.

6. Florida.

Not represented.

7. Georgia.

Not represented.

8. Illinois.

George W. Perkins, Warden State Penitentiary,..... Joliet.
Mrs. George W. Perkins, ... Joliet.
Rev. F. H. Wines, Sec'y Board State Charities, ... Springfield.
Robert Turner, Sup't Chicago Reform School,..... Chicago.
Hon. Wm. J. Yost, Pres't Board Trustees State Reform School,. Metropolis.
L. A. Parks, Member Board Trustees State Reform School,..... Alton.
M. E. Collins, Member Board Trustees State Reform School, ... Pontiac.
O. C. Gibbs, Secretary Relief Society, ... Chicago.
T. W. Midgely, Chicago Tribune, ... Chicago.
O. Brewster,..... Chicago.

9. Indiana.

Hon. Conrad Baker, Governor,..... Indianapolis.
Rev. John W. Sullivan, Chaplain Southern State Prison,..... Jeffersonville.
Rev. W. W. Curry, Member Board Control Southern State Prison, Terre Haute.
R. S. Heiskin, Member Board Control Southern State Prison,... Jeffersonville.
Rev. Aaron Wood, Chaplain Northern State Prison, ... Michigan city.
A. D. Hamrick, Member Board Control Southern State Prison,.. Hamrick Stat'n.
Frank B. Ainsworth, Superintendent House of Refuge,..... Plainfield.
Hon. Charles F. Coffin, Member Board Control House Refuge,.. Richmond.
Mrs. Charles F. Coffin, ... Richmond.
Hon. B. C. Hobbs, Superintendent of Public Instruction..... Indianapolis.
Mrs. Rebecca T. Hobbs, ... Indianapolis.
Miss Sarah Morrison,..... Indianapolis.
Rev. W. Benton,..... Brownstown.

10. Iowa.

Martin Heisey, Warden State Penitentiary,..... Fort Madison.
J. McCartey, Superintendent State Reform School,..... Salem.

11. Kansas.

Hon. E. Hensley, Deputy of the Governor, and chairman Board Directors State Prison, ... Leavenworth.
Henry Hopkins, Warden State Penitentiary,..... Leavenworth.
Mrs. Lydia Sexton, Chaplain State Penitentiary,..... Leavenworth.

12. Kentucky.

P. Caldwell, Superintendent House of Refuge, ... Louisville.
Hon. R. K. White, Member Board Managers House of Refuge,.. Louisville.
H Fairchild, D.D. President Berea College,..... Berea.
D. Spaulding, Jr., ... Lowville.

13. Louisiana.

Not represented.

14. Maine.

Rev. Javan K. Mason, Deputy of Governor Chamberlain, ... Thomaston.
W. W. Rice, Warden State Prison,..... Thomaston.
Hon. E. B. Smith, Special Commissioner on Prison Reform,.... Saco.
Hon. E. G. Harlow, Special Commissioner on Prison Reform,... Dixfield.
John Benson, M. D., Special Commissioner on Prison Reform,.. Newport.

15. Maryland.

General J. W. Horn, Warden State Prison,..... Baltimore.
W. R. Lincoln, Superintendent House of Refuge,..... Baltimore.
L. A. Bierly, Member Board Managers House Refuge,..... Baltimore.
G. S. Griffith, President Prisoners' Aid Association,..... Baltimore.
Rev. P. Doll, Agent Prisoners' Aid Association,..... Baltimore.

16. Massachusetts.

F. B. Sanborn, Deputy of Governor Claflin and Member of American Social Science Association and Board State Charities, Springfield.
Hon. Ed. L. Pierce, Deputy of Governor Claflin and Secretary Board State Charities, ... Boston.
Gardiner Tufts, Deputy of Governor Claflin and State Agent for Wards of the State, ... Boston.
Hon. Benjamin Evans, Deputy of Governor Claflin and Superintendent State Reform School,..... Westborough.
Rev. Marcus Ames, Superintendent and Chaplain Girls' Industrial Reform School,..... .... Lancaster.
Capt. M. L. Eldridge, Assistant Sup't Nautical Reform School,.. New Bedford.
James B. Congdon, Member Board Trustees Nautical Reform School,..... New Bedford.
Rev. Joshua Coit, Secretary Massachusetts Prison Commission,.. Boston.
Rev. E. Abbott, Editor Congregationalist, ... Boston.

17. Michigan.

Hon. C. J. Walker, Deputy of Gov. Baldwin and Special Commissioner on Prison Reform,. ..... Detroit.

Hon. Mr. Rankin, Deputy of Gov. Baldwin and Special Commissioner on Prison Reform, ... Flint.
S. S. Cutter, M. D., Deputy of Gov. Baldwin and Special Commissioner on Prison Reform, ... Cold Water.
Rev. R. C. Crawford, Chaplain State Prison, ... Jackson.
W. S. Wilcox, Member Board State Prison Inspectors, ... Jackson.
Rev. C. Johnson, Sup't State Reform School, ... Lansing.
Z. R. Brockway, Sup't House of Correction, ... Detroit.
Mrs. Z. R. Brockway, ... Detroit.
Rev. C. C. Foote, Chaplain House of Correction, ... Detroit.
Mrs. A. H. R. Wiggin, Matron House of Shelter, ... Detroit.
Mrs. C. Euphemia Cochran, ... Detroit.

18. Minnesota.

Not represented.

19. Mississippi.

Not represented.

20. Missouri.

Rev. D. A. Wilson, Warden State Prison, ... Jefferson City.
F. S. W. Gleason, Sup't House of Refuge, ... Saint Louis.
Mrs. F. S. W. Gleason, Matron House of Refuge, ... Saint Louis.
Hon. George Partridge, Director House of Refuge, ... Saint Louis.
J. Gabriel Woerner, Director House of Refuge, ... Saint Louis.
T. W. Cronenbold, Director House of Refuge, ... Saint Louis.
Hon. Augustus W. Alexander, ... Saint Louis.

21. Nebraska.

Hon. F. Templin, Deputy of Gov. Butler and Member Board of State Prison Inspectors, ... Omaha.

22. Nevada.

Not represented.

23. New Hampshire.

Hon. Ex-Gov. Frederick Smyth, President New Hampshire Prisoners' Aid Association, ... Manchester.
Rev. H. Quinby, Chaplain State Prison and Member New Hampshire Prisoners' Aid Association, ... Concord.

24. New Jersey.

Hon. Ex-Gov. Daniel Haines, Deputy of Gov. Randolph and President Board of Trustees State Reform School, ... Hamburgh.
Mrs. Daniel Haines, ... Hamburgh.
Col. Wm. R. Murphy, Deputy of Gov. Randolph and Supervisor State Prison, ... Bordentown.
Mrs. Wm. R. Murphy, ... Bordentown.
Samuel Allinson, Deputy of Gov. Randolph and Member Board Trustees State Reform School, ... Yardville.
Mrs. Samuel Allinson, ... Yardville.
Rev. L. H. Sheldon, Sup't State Reform School, ... Jamesburgh.
Mrs. L. H. Sheldon, Matron State Reform School, ... Jamesburgh.
Hon. Nathan T. Stratton, Trustee State Reform School, ... Mullica Hill.

25. New York.

Gen. Amos Pilsbury, Deputy of Gov. Hoffman, Sup't Albany Penitentiary and Member Commission on State Reformatory,. Albany.
Rev. A. M. Schoonmaker, Chaplain State Prison,..... Sing Sing.
Rev. D. A. Shepard, Chaplain State Prison, ... Auburn.
Arthur S. Wolff, Physician Clinton Prison,..... Dannemora.
Charles E. Felton, Sup't Erie County Penitentiary, ... Buffalo.
Israel C. Jones, Sup't House of Refuge,..... New York.
Mrs. I. C. Jones, ... New York.
B. K. Peirce, D.D., Chaplain House of Refuge,..... New York.
Levi S. Fulton, Superintendent Western House of Refuge,..... Rochester.
E. C. Wines, D.D., Cor. Sec'y New York Prison Association, ... New York.
Mrs. E. C. Wines, ... New York.
Rev. A. M. Fisk, Agent Warsaw Industrial and Educational Reformatory, ... La Grange.
Rev. Chas. Cravens, Agent Warsaw Industrial and Educational Reformatory, ... Le Roy.

26. North Carolina.

Hon. G. William Welker, Member Board State Charities and State Prison Commission,..... Greensborough.

27. Ohio.

His Excellency R. B. Hayes, Governor, ... Columbus.
Rev. A. G. Byers, Secretary Board of State Charities, ... Columbus.
J. W. Andrews, Member Board of State Charities,..... Cleveland.
Jos. Perkins, Member Board of State Charities,..... Cleveland.
Robert W. Steele, Member Board of State Charities, ... Dayton.
Douglas Putnam, Member Board of State Charities, ... Zanesville.
John Davis, M.D., Member Board of State Charities,..... Cincinnati.
Col. R. Burr, Warden State Penitentiary,..... Columbus.
Rev. O. Newton, Chaplain State Penitentiary, ... Columbus.
N. Gray, M.D., Physician State Penitentiary, ... Columbus.
Hon. James L. Bates, Director State Penitentiary,..... Columbus.
Hon. George Harsh, Director State Penitentiary,..... Columbus.
Hon. Stanley Matthews, Director State Penitentiary,..... Columbus.
S. S. Desellem, Officer State Penitentiary, ... Columbus.
Thomas S. Geinet, Officer State Penitentiary, ... Columbus.
George E. Howe, Superintendent State Reform School,..... . Lancaster.
Hon. J. A. Foote, Commissioner State Reform School, ... Columbus.
Rev. B. W. Chidlaw, Commissioner State Reform School, ... Cincinnati.
H. A. Monfort, Superintendent House of Refuge,..... Cincinnati.
Rev. Joseph Chester, Chaplain House of Refuge, ... Cincinnati.
William H. Taylor, M.D., Physician House of Refuge,..... Cincinnati.
A. E. Chamberlain, Director House of Refuge,..... Cincinnati.
H. Thane Miller, Director House of Refuge, ... Cincinnati.
John D. Miner, Director House of Refuge, ... Cincinnati.
Joseph C. Butler, Director House of Refuge, ... Cincinnati.
Hon. C. Thomas, Director House of Refuge, ... Cincinnati.

James M. Johnston, Director House of Refuge,..... Cincinnati.
James L. Haven, Director House of Refuge, ... Cincinnati.
Stephen Bonner, M.D., Director House of Refuge, ... Cincinnati.
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Ira Wood, Superintendent Work-house, ... Cincinnati.
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John E. Bell, Commissioner Work-house,..... Cincinnati.
Thomas Gilpin, Commissioner Work-house,... .... Cincinnati.
Ed. Kestner, Commissioner Work-house,..... Cincinnati.
Charles Brown, Commissioner Work-house,..... ..... Cincinnati.
Hon. Jno. F. Torrence, Mayor,..... Cincinnati.
C. G. Comegys, M.D., Member Board of Aldermen, ... Cincinnati.
Paul Reinlin, Member Board of Aldermen,..... Cincinnati.
—— Ford, Member Board of Aldermen,..... Cincinnati.
Hon. A. T. Goshorn, President City Council,..... Cincinnati.
Col. A. E. Jones, Member of City Council,..... Cincinnati.
James Morgan, Member of City Council,..... Cincinnati.
Drausin Walsin, Member of City Council,..... Cincinnati.
J. Siefert, Member of City Council,..... Cincinnati.
George La Rue, County Auditor,..... ... Cincinnati.
D. Weber, Sheriff,..... Cincinnati.
J. L. Ruffin, Chief of Police,..... Cincinnati.
C. A. Titus, City Auditor,..... Cincinnati.
C. L. Blackburn, Prosecuting Attorney,..... Cincinnati.
M. F. Wilson, Prosecuting Attorney, ... Cincinnati.
J. W. Fitzgerald, Prosecuting Attorney,..... Cincinnati.
Robert Simms, County Commissioner,..... ..... Cincinnati.
Murray Shipley, President Board Managers Children's Home,... Cincinnati.
J. J. Quinn, M.D., Physician Hamilton County Jail, ... Cincinnati.
Jos. Kinsey, Member Board Trustees Home for the Friendless,.. Cincinnati.
Arthur Hill, Superintendent City Infirmary,..... ... Cincinnati.
O. M. Langdon, M.D., Sup't Longview Insane Asylum, ... Cincinnati.
H. M. Jones, Superintendent City Hospital, ... Cincinnati.
D. Morris, D.D., President Lane Seminary,..... ..... Walnut Hills.
H. A. Nelson, D.D., Professor Lane Seminary, ... Walnut Hills.
W. M. Herriott, D.D.,..... .. .. Zanesville.
Rev. William Cheever, ... Cincinnati.
Rev. Jos. G. Monfort,..... ... Cincinnati.
Rev. H. Bushnell,..... Cincinnati.
Rev. O. A. Hills,..... Cincinnati.
Rev. C. L. Thomson,..... Cincinnati.
Rev. T. Lee, ... Cincinnati.
N. S. Townshend, M.D.,..... Avon.
Mrs. R. A. S. Janney,..... .... Columbus.
Mrs. E. D. Stewart, ... Springfield.
Mrs. Mary M. Guild, ... Cincinnati.

William J. Boyer, Corresponding Editor and Central Western Agent of Woman's Journal, ... Dayton.
Hon. H. H. Leavitt, Judge U. S. District Court, ... Cincinnati.
J. R. Chamberlain, Daily Gazette, ... Cincinnati.
Hon. Bellamy Storer, ... Cincinnati.
Hon. Alphonso Taft, ... Cincinnati.
Hon. Walter Straub, ... Cincinnati.
Hon. Edward F. Noyes, ... Cincinnati.
Hon. C. C. Murdock, ... Cincinnati.
Hon. M. B. Hagans, ... Cincinnati.
Hon. M. F. Force, ... Cincinnati.
Hon. J. Cox, ... Cincinnati.
Hon. A. G. W. Carter, ... Cincinnati.
Hon. C. F. Wilsbach, ... Cincinnati.
Hon. T. L. Young, ... Cincinnati.
Hon. Cyrus Mendenhall, ... Cincinnati.
Lang Sheiff, ... Cincinnati.
George Atkins, ... Cincinnati.
H. D. Helm, ... Cincinnati.
W. S. Scarborough, ... Cincinnati.
L. McHugh, ... Cincinnati.
William Haydock, ... Cincinnati.
J. C. Healy, ... Cincinnati.
C. V. Beckman, ... Cincinnati.
J. S. Conner, ... Cincinnati.
J. B. Conner, ... Cincinnati.
J. B. Walker, ... Cincinnati.
C. W. Merrill, ... Cincinnati.
Horace Ludington, M.D., ... Cincinnati.
B. Frankland, ... Cincinnati.
William Atkins, ... Cincinnati.
C. W. Starbuck, ... Cincinnati.
Luther Parker, ... Cincinnati.
C. Remelin, ... Cincinnati.
L. H. Sargent, ... Cincinnati.
J. A. Fisher, ... Cincinnati.
Miles Greenwood, ... Cincinnati.

28. Oregon.

Not represented.

29. Pennsylvania.

A. J. Ourt, M.D., Corresponding Sec'y Board State Charities, .. Harrisburgh.
Edward S. Wright, Warden Western Penitentiary, ... Allegheny.
Rev. J. L. Milligan, Chaplain Western Penitentiary, ... Allegheny.
T. H. Nevin, President Board Inspectors Western Penitentiary, . Allegheny.
Hon. Henry Cordier, Sup't Allegheny County Work-house, ... Claremont.
George Albree, Director Allegheny County Work-house, ... Pittsburgh.
R. A. Avery, Sup't Western House of Refuge, ... Pittsburgh.

Mrs. R. A. Avery,..... Pittsburgh.
T. J. Bigham, Director Western House of Refuge,..... Pittsburgh.
Rev. W. G. Taylor, Sup't Soldiers' Orphans' Home,..... Beaverstown.
J. B. Bittinger, D.D., ... Sewickley.

30. Rhode Island.

E. M. Snow, M. D., Deputy of Gov. Padelford, and Secretary Board State Charities and Corrections,..... Providence.
Mrs. E. M. Snow,..... Providence.
Gen. Nelson Viall, Warden State Prison,..... Providence.
Rev. Augustus Woodbury, Ch'n Board State Prison Inspectors,. Providence.
James M. Talcott, Sup't Reform School,..... Providence.
Henry J. Angell, Member Board Trustees Reform School,..... Providence.
Burnham Wardwell, Sup't R. I. State Farm and Work-house,.. Providence.

31. South Carolina.

Gen. C. J. Stolbrand, Deputy of Gov. Scott, and Warden State Penitentiary, ... Columbia.
Major E. L. Dean, Deputy of Gov. Scott,..... ..... Columbia.

32. Tennessee.

T. A. Atchison, M.D., Member Board State Prison Inspectors, .. Nashville.

33. Texas.

Not represented.

34. Vermont.

Not represented.

35. Virginia.

Not represented.

36. West Virginia.

William B. Curtis, M.D., Warden State Penitentiary, ... Moundsville.

37. Wisconsin.

Hon. Edwin Hurlbut, Deputy of Gov. Fairchild,..... Oconomowoc.
A. D. Hendrickson, Sup't State Reform School, ... Waukesha.
Mrs. A. D. Hendrickson, Matron State Reform School,..... Waukesha.

38. Dominion of Canada.

Wm. Elder, A.M., Editor Telegraph and Journal,..... St. Johns, N. B.

39. South America.

Señor Enrique Cortes, Secretary of Legation of the Republic of Colombia,..... Washington, D. C., and 111 East 25th street, New York.

NOTE.

The following papers were, on invitation by the committee of arrangements, furnished for the congress. Nearly all of them were read; a very few, one of which came from abroad, were delayed by the mails, or failed to be in time through some other mischance. All, however, are inserted, as if read.

II. The Present Outlook of Prison Discipline in the United States.

By E. C. Wines, D. D., Corresponding Secretary of the Prison Association of New York.

The mariner, by lead-line, sextant, chronometer, logarithms and other fit agencies, is wont, as need requires, to take his soundings, and ascertain the position and bearings of his vessel on the uncertain element, where his home is cast. Statesmen and legislators, to whose guidance is committed the ship of state, must sometimes do the same thing in a moral way, or the bark intrusted to their care, with its precious freight of political and social interests, will run the hazard of being stranded and wrecked on projecting rocks or hidden quicksands. I propose, in the paper which you have asked at my hands, to imitate these prudent and salutary examples by showing, as an apostle has expressed it, in reference to another question, "whereunto we have attained," in the matter of prison reform in the United States. I propose to furnish an answer to such questions as these: What is the present state of this great social interest among us? What advance has been made in these later years? What do the auspices say? After so many ages of patient study, can the solution of the vexed and baffling question of crime and its treatment be at length discerned in the nearer distance? Is the dawn visible of the day when we may soberly hope for success in the effort to thin the ranks of criminals, and to roll back the sweeping and swelling tide of crime?

The first point to which I would ask the attention of this congress is the revived interest felt in the question of prison discipline and prison reform, not only in every state of the American Union, but, I think it may be said with truth, in every country of the civilized world. Let me touch upon two or three proofs of such revival: 1. It is seen in the messages annually communicated by the chief magistrates of our states to their several legislatures. I have had occasion to examine the more recent of these documents, and have been struck with the fact that there is scarcely an American governor who has not referred to the subject, not simply in an incidental and perfunctory way, but with a good will and heartiness, which show a real interest in the subject, either recounting or suggesting reforms inaugurated or contemplated in relation to

this important interest of society. 2. The correspondence of the prison association of New York affords unmistakable evidence of the newly awakened interest in prison reform. The area covered by this correspondence has become almost co-extensive with the globe; embracing not only every state in our Union, but nearly every country in Europe, several of the republics of North and South America, the British East Indian empire, Australia, New Zealand, etc., etc. 3. The wide and increasing demand for the annual reports of the association is a testimony in the same direction. About a thousand copies are regularly distributed as soon as issued, and within the past year applications for at least five hundred additional copies have been received and answered, many of them from distant continents and islands. 4. The encouragement given to the propositions recently made for both a national and international congress on penitentiary and reformatory discipline is another decisive proof of the interest felt in this subject. 5. The formation of societies looking to the improvement of prison discipline and the care of prisoners, both during their incarceration and after their discharge, is to the same effect. Besides the older organizations of this sort in Philadelphia, New York and Boston, such societies have been recently formed in California, Maryland, Western Pennsylvania, Delaware, Iowa, New Hampshire, and other states. 6. State governments, as well as individuals, are moving in the same direction. Within the past four years, commissions charged with the duty of studying closely the whole prison question, and of reporting improved prison systems, should such be found to be needed, have been created in Pennsylvania, New Jersey, North Carolina, Maine, Michigan, and Kentucky; and much good has resulted, and more is likely to result, from these measures. 7. A striking proof of the extent and earnestness with which questions connected with penitentiary science are now studied is the creation, by the late emperor of France, on the report and recommendation of his minister of the Interior, of a commission of twenty-one citizens, instructed to investigate and report upon the question, "What duties does society owe to liberated prisoners, and how can these best be secured against a relapse into crime?" In their study of this question, the commission are seeking light from other countries, and have applied to the prison association for information as to the principles and the practice of America in reference to this

grave matter. 8. An additional evidence of the newly awakened and growing interest in prison reform is found in the public press, that sure index, as well as powerful moulder and guide, of public opinion. More has been published in the quarterly, monthly, weekly and daily journals of the country within the last two years than during the ten years preceding. Nor has what has emanated from the press on this subject gained more in breadth than it has in quality. Papers of remarkable grasp and thoroughness have appeared in all classes of our journals, from the ponderous quarterly that graces the scholar's table to the lighter and more evanescent daily and weekly that visit every fireside and hearthstone in the land. 9. But what further proof do we need of the profound interest felt in penitentiary and reformatory discipline than this great congress, gathered from Canada, from South America, and from twenty-five states of our own Union; representing fifty odd prisons and reformatories, and some twenty philanthropic organizations; and numbering between 200 and 300 earnest workers in this cause, more than seventy of whom are officers of penal and reformatory institutions?

Let us, at this point, take a rapid glance at the number and classes of institutions in our country, created and sustained with a view to the prevention or repression of crime.

The number of state prisons in the United States (commonly called convict prisons in other countries) is forty-one, of which New York has four; Pennsylvania and Indiana each two; and the other states one each, with the exception of Delaware, which is without a prison of this class. The number of county jails, used chiefly for purposes of detention, though employed, also, to a considerable extent, for the imprisonment of persons convicted of minor offences, is probably a little over 2,000. Then there is a class of prisons, holding a middle place between the state prison and the common jail, called by different names in different localities — such as house of correction, penitentiary, work-house, etc. The number of these is about twenty-five, and they are found chiefly in Massachusetts and New York. There is a still further class of prisons, found principally in cities and large towns, called station-houses or lock-ups.

The average number of prisoners confined in the state prisons is about 15,000; in the houses of correction (say), 5,000 to 6,000;

in the county jails (a rough estimate), 30,000 to 40,000; and in the station-houses (a mere approximation), 10,000 to 12,000.

Crime has increased within the last decade, but, upon the whole, has scarcely kept pace with the increase of population, which, during the period designated, has made an advance of more than thirty per cent. There was a great diminution of commitments to our prisons during the late civil war, owing probably to the fact that many desperate characters enlisted in the army, and others followed the armies to ply their vocation on a new field. After the war, there was a heavy increase of crime, and our prisons were filled to repletion; but within the last year or two it has receded to its former rate.

It is remarkable how exactly the offences of one year repeat themselves the next. Crime seems, ordinarily, to follow some fixed law. Any student familiar with this branch of social science can predict, with wonderful precision, how many crimes will be committed in a given year, and their general character. He can name the months in which there will be, respectively, an increase and decrease in the number of crimes, and will be able to foretell almost the hour of the day, in which certain classes of offences will be committed.

I have spoken, in a former paragraph, of the increased interest which has of late been awakened in the United States in the question of prison reform. From such revived interest in any great social question, and the increased agitation and discussion of it consequent thereupon, results more or less marked, more or less important, may reasonably be looked for. How is it with the present case? Have we any thing to show as the fruit of all this earnest thought, all this zeal of effort, all this busy toil of brain and muscle? I think so, decidedly. The students of penitentiary science, the workers in the field of penitentiary discipline, in this country, have come to a substantial agreement on certain fundamental principles of criminal treatment, and are approaching such agreement in others. What are these great principles, these moral citadels, around which the din of battle has either wholly ceased, or is, year by year, becoming more faint and feeble?

1. The first is, that the protection of society against criminal spoliation through the reformation of the transgressor, is the primary aim of public punishment. On this point the unanimity appears to be absolute; and the further point that criminals,

especially of the younger class, are capable of reformation by the application of right methods and processes, is daily gaining suffrages.

2. The principle of progressive classification, under which prisoners are advanced from grade to grade, as they earn such promotion, gaining, at each advance, increased privilege and comfort, is generally admitted in theory, though, unfortunately, nowhere, as yet, fully reduced to practice.

3. The principle of rewards, as an incitement to good conduct and reformation, is one on which there is now little dissent. There is also a very general agreement that such rewards should consist of, (1) a diminution of sentence; (2) a share in the earnings; (3) a gradual withdrawal of restraint; and (4) a gradual enlargement of privilege.

4. The principle of a probationary stage of imprisonment, in which the training shall be more natural, and the genuineness of the prisoner's reformation may be adequately tested, is every day gaining adherents.

5. The necessity for both increasing and systematizing the religious and educational forces of our prisons is now universally admitted.

6. That all prisoners who have the requisite aptitudes should, through an effective system of industrial training, be put in possession of the power to earn honest bread on their liberation, is a principle which commands universal and unqualified assent.

7. The principle that imprisonment ought to be continued till reformation has been effected, and, if that happy consummation is never attained, then during the prisoner's natural life, has become a conviction with a large number of American penologists. This involves, as a matter of course, the elimination of political control from our prison administrations, so that they may be made permanent in the hands of good and competent officers — a reform demanded, also, by other high interests of society.

8. The growing sentiment in favor of preventive institutions, as the true field of promise in which to labor for the extirpation of crime, is a cheering indication of progress in the right direction.

9. That a higher grade of qualification in prison officers is essential to a successful prison administration, is a point conceded by all; and the minds of thoughtful men are turned to the further ques-

tion, whether they ought not to have a special education and training for the work.

10. It is now commonly acknowledged that no prison system can be successful, to the broadest and most desirable extent, without some central authority at the helm, to give unity and efficiency to the whole prison administration of the state.

There are other important principles on which substantial concord has been reached; but I will not weary the congress with a detail of them. I have an intimate conviction that, with a prison system embodying and effectually applying the principles already set forth, the problem of the proper treatment of criminals would be solved; and that crime, if not extirpated, would at least be brought down to its minimum limits.

III. General View of Preventive and Reformatory Institutions in the United States.

By B. K. Peirce, D. D., Chaplain of the New York House of Refuge.

It is no small matter that "Ginx's baby" has attracted the eye of intelligent christians and philanthropists of every shade of opinion; and, although in the marvelous diversity of sentiment as to the best course to be pursued with him, he is still exposed to no inconsiderable peril and suffering, yet it is a great point gained that the eye of the community has been fastened upon him. This forlorn infant is blessed with a powerful voice, and, sooner or later, he will make it to be effectually heard. He is an object of no little controversy now between Romanists and Protestants, union and sectarian boards, almshouse commissioners and children's emigrant aid societies, street missions and permanent asylums, congregate institutions and family schools; but the controversy itself makes him so prominent an object that he cannot be covered out of sight by the smoke of the fight. He is in the newspapers, fills magazines originated in his interest, breaks in upon the monotony of the stately quarterlies, and, like the memorable "Oliver," of "Do-the-Boys-Hall," although *now* one of the most conspicuous personages in modern fiction, is still clamoring, not without success, for "more," and demands a far wider hearing. He is an admitted and terrible fact in modern civilization, and the only question for discussion now pertinent in reference to him is, what *shall* we do with "Ginx's baby?" The community cannot long endure that condition of things which gives the stinging point of truth to the capital volume of satire bearing the expressive title which we have quoted, and which it has now permanently bestowed upon the neglected waifs of our city streets. It is very evident that "Ginx's baby" will not much longer plead in vain. That will not always be a true charge against British and American civilization, which this author so nervously urges in his volume: "Your dirtiest British youngster is hedged round with principles of an inviolable liberty, and rights of *habeas corpus*. You let his father and mother, or any one who will save you the trouble of

looking after him, mould him in his years of tenderness as they please. If they happen to leave him a walking invalid, you take him into the poor-house; if they bring him up a thief, you whip him and keep him at high cost at Millbank or Dartmoor; if his passions, never controlled, break out into murder and rape, you may hang him, unless his crime has been so atrocious as to attract the benevolent interest of the home secretary; if he commits suicide, you hold a coroner's inquest, which costs money; and, however he dies, you give him a deal coffin and bury him. Yet I may prove to you that this being, whom you treat like a dog at a fair, never had a day's — no, nor an hours's — contact with goodness, purity, truth, or even human kindness; never had an opportunity of learning any thing better. What right have you, then, to hunt him like a wild beast, and kick him, and whip him, and fetter him, and hang him, by expensive, complicated machinery, when you have done nothing to teach him any of the duties of a citizen?" The writer answers the natural responses to his question, that there are endless means of improving the lad — industrial schools, reformatories, asylums, hospitals, Peabody buildings, laws to protect factory children — by saying: "They don't reach one out of ten." And he continues: "I do not say that it can be done, but in order to transform the next generation, what we should aim at is to provide substitutes for bad homes, evil training, unhealthy air and food, dullness and terrible ignorance, in happier scenes, better teaching, proper conditions of physical life, sane amusements, and a higher cultivation." But who is to pay for all this? "The state," he answers, "which means society, the whole of which is directly interested. I tell you a million of children are crying to us to set them free from the despotism of crime and ignorance protected by law."

Thus you see, my friends, that "Ginx's baby" has, for one of its age and circumstances, a powerful voice, and will be likely to make himself heard in the long run. Mrs. Browning has caught the echo of it in her sensitive ear, and has poured it back again in affecting strains:

"And well may the children weep before you!
They are weary ere they run,
They have never seen the sunshine, nor the glory
Which is brighter than the sun;
They know the grief of man, without his wisdom;
They sink in man's despair, without his calm;

Are slaves, without the liberty in Christdom,
Are martyrs by the pang, without the palm,—
Are worn, as if with age, yet, unretrievingly,
The harvest of its memories cannot reap,—
Are orphans of the earthly love and heavenly,
Let them weep! let them weep!

"They look up with their pale sunken faces,
And their look is dread to see,
For they 'mind you of their angels in high places,
With eyes turned on Deity!
'How long,' they say, 'how long, oh cruel nation,
Will you stand to move a world on a child's heart,
Stifle down with a mailed heel its palpitation,
And tread onward to your throne amid the mart?
Our blood splashes upward, oh gold-heaper,
And your purple shows your path!
But the child's sob in silence curses deeper
Than the strong man in his wrath.'"

In 1841, in his very striking discourse upon the life and character of that eminent and successful city missionary of Boston, Dr. Joseph Tuckerman, Dr. Channing utters very much the same truth in his own quiet and eloquent style. "Society," he says, "has hitherto employed its energy chiefly to punish crime. It is infinitely more important to prevent it; and this I say, not for the sake of those alone on whom the criminal preys. I do not think only or chiefly of those who suffer from crime. I plead also, and plead more, for those who perpetrated it. In moments of clear, calm thought, I feel more for the wrong-doer than for him who is wronged. In a case of theft, incomparably the most wretched man is he who steals, not he who is robbed. The innocent are not *undone* by acts of violence or fraud which they suffer. They are innocent, though injured. They do not bear the brand of infamous crime, and no language can express the import of this distinction. * * * What I want is, not merely that society should protect itself against crime, but that it shall do all it can to preserve its exposed members *from* crime, and so do for the sake of those as truly as for its own. It ought not to breed monsters in its bosom. If it will not use its prosperity to save the ignorant and poor from the blackest vice, then it must suffer, and deserves to suffer, from crime. If the child be left to grow up in utter ignorance of duty, of its Maker, of its relations to society; to grow up in an atmosphere of profaneness and intemperance, and in the practice of

falsehood and fraud, let not the community complain of his crime. It has quietly looked on and seen him, year after year, arming himself against its order and peace; and who is most to blame when, at last, he deals the guilty blow? A moral care over the tempted and ignorant portion of the state is a primary duty of society."

Every movement for the relief of society from its fearful burdens of ignorance, poverty and crime, has forced upon thoughtful minds the conviction that the only solution of these problems is to be found in the application of radical remedies in the period of childhood. While prisons, and almshouses, and criminal law and discipline peremptorily call for reforms, and powerfully appeal to benevolent hearts, the best reform that can be secured in reference to penitentiaries and poor-houses is to deplete them of their occupants by saving the young from vicious and criminal courses.

The present site of one of the largest and most costly of the edifices in the country erected for the reformation of young delinquents, now a highly cultivated garden, yielding to tillage large returns of fruits, vegetables and flowers, was formerly partly an uninviting morass, in part a high, rugged rock, and in part the rough receptacle of the pauper dead — a scene unlovely to the eye, and full of unwholesome miasmas. It was, in its original state, a significant symbol of the appearance and influence of the neglected classes in the community; while the recovery, productiveness and healthfulness of the grounds, in their present condition, give a natural expression to the result of suitable christian cultivation, in the most unpromising moral and social soils in the land.

Perhaps the first formal movement in behalf of exposed children was inaugurated by August Hermann Francke, in the German city of Halle, in 1695. It was opened on what he calls the "goodly capital" of three dollars and a half, which had been dropped, as a subscription for the poor, in a box put up for the purpose in his house. "With this," he exclaims, "I must do a great work. I will found a school for the poor with it." Francke was a fine scholar, an eloquent preacher, welcomed at the court of Frederick William I, father of Frederick the Great, of remarkable faith and devotion and untiring energy. Carlyle speaks of him as of a "very mournful visage;" but this could not have been true of him. He was a marvelously cheerful, hopeful, happy man — the sunshine of the many thousand children that were gathered by him into his school and saved from ruin. From such a limited

beginning, as to capital, Francke, through benefactions made to him without the solicitations of an agent, finally was enabled to pile up the largest, highest and most imposing suite of buildings in the city of Halle, where he gathered and instructed in trades, and fitted for an honest life, thousands of orphans and street beggars. Horace Mann visited it in 1843. He describes it as a "quarter of a mile long, six stories high, several apartments thick, built round an oblong court-yard." Five hundred children are, at the present time, gathered within its walls, while numerous industrial and eleemosynary associations also find shelter under its many roofs.

The history of its origin and progress, written by Francke himself, bears this significant title: "The most blessed footsteps of the living and reigning and faithful God, for the shaming of the unbelieving and the strengthening of the believing, disclosed through the true and circumstantial history of the orphan-house in Halle."

Many an earnest explorer in the unfrequented paths of philanthropy has gratefully traced, for his encouragement and inspiration, the "footsteps" left upon "the sands of time" by that friend of perishing children, August Hermann Francke. John Falk, the beloved associate of Herder and Goethe, sought out these "footsteps" an hundred years later. Falk was the son of a wig maker of Dantzic, himself so poor in his youth that he could never forget the pangs of want; so eager for learning that he read the books he borrowed by the light of the street lamps, when the weather was so cold and his fingers so numb that he could hardly turn the leaves; so devout that, when sinking under the ice which broke beneath his skates, he was saying, as he was snatched from death by his brother, "Lord Jesus, to thee I live, to thee I die; I am thine now and for all eternity." He was sent to college by the town council of his native city, one of the solemn and kindly old burgomasters saying, as he shook hands with him and gave him his blessing, "John, you are now going hence; God be with you! You will always be our debtor, for we have adopted you, and affectionately cared for you as a poor child. You must not fail to repay the debt. Wherever God may hereafter lead you, and whatever may be your future destination, never forget that you were once a poor boy; and when, sooner or later, some poor child knocks at your door, you must consider that it is we, the dead, the gray old burgomasters and councillors of Dantzic, who are standing

there, and you must not turn us away from your door." Sure enough, these parting words were prophetic; the poor child knocked, the old burgomaster was not forgotten, and Falk's door was opened, and stood open for thousands of others to follow the steps of the first wretched youth. He became a resident of Weimar, and witnessed the awful desolation which the French army, under the First Napoleon, brought upon Germany. (How fearfully have these sufferings been avenged before our eyes within the last few months!) Thousands of parentless children wandered begging over the country, falling into all forms of vice and crime. Pestilence came in the train of the memorable battle at Leipsic, and added to the horrors and desolation of war. Falk followed one after another of his own children to the grave, and then, rising from the depths of his household grief, he consecrated himself to the work of succoring the unprotected youth of the land. When, in 1819, his son Edward, an interesting youth of nineteen, died — the parents and remaining children sitting in tears by his lifeless body — some one knocked at the door; "Oh," exclaimed the poor mother, "if I could but see you coming in at the door, my poor Edward, but once more!" A boy of fourteen came in, saying, "You have taken pity on so many poor children from our neighborhood, do take pity on me. I have had neither father nor mother since I was seven years old." The petition, which began in tears, ended in sobs. "O, my God!" said the weeping mother, raising her eyes to heaven, "Thou still sendest in the children of strangers, whom we so willingly take in, and takest away our own!"

First establishing the precedent so successfully followed in our times by Mr. Brace, in the city of New York, he instituted a society of influential and intelligent men, called "The Friends in Need," and began to carry into effect his original purpose of simply finding homes in families, and in the country, for the vagrant children seeking his protection. He soon saw that it was necessary to give some preliminary training to the vicious children whom he sought to rescue from certain ruin, and in 1823 he laid the foundation of the building which still remains as the best monument to his memory.

Following the same "footsteps," and continually acknowledging indebtedness to Francke and Falk, in the German-speaking portions of Europe, over four hundred institutions have been established for the succor of exposed children, having within their cus-

tody an estimated average of twelve thousand inmates. Between forty and fifty reformatory institutions have been organized in France, and two hundred and ninety-one in Great Britain. Into the British schools of reform about twenty-three thousand youths have been gathered.

Interest in behalf of the "dangerous and perishing" classes of children in England grew immediately out of the prison reform instituted by John Howard. The most appalling sight that benevolent men and women looked upon as they entered the prisons which had heretofore been unvisited by christian people were the faces of young boys and girls who were falling into fearful depths of depravity, under the tuition of adult criminals. In 1818 the London Philanthropic Society was formed for their rescue, and the first British house of refuge, for exposed and criminal children, was constructed in the city of London, under the supervision of such philanthropists as the Gurneys, Sir P. Fowell Buxton and Mrs. Frye. About the same date, after correspondence and personal conference with the managers of this institution, the earliest movement for the rescue of these endangered youths was undertaken in this country, in the city of New York, chiefly under the auspices of persons connected with the Society of Friends. In 1818, such men as John Griscom, Thomas Eddy, Mayor Colden, Hugh Maxwell and James W. Gerard, united themselves in an association for the "prevention of pauperism." They had proceeded but a short distance in their investigations before they were convinced that little, comparatively, could be accomplished in the great field upon which they had entered, except by instituting vigorous preventive measures. Out of these careful inquiries and discussions grew the savings banks, and the admirable public school system of the city of New York. As one of the most effectual measures for breaking up chronic poverty and crime, the association resolved itself into a "Society for the Reformation of Juvenile Delinquents," and at once addressed itself to the establishment of a house of refuge. On the first day of January, 1825, on what is now Madison square, near where stands the elegant Fifth Avenue hotel, in a building that had been erected as barracks for soldiers, the institution was opened with appropriate services. There were nine squalid children, just gathered from the streets, present on the occasion. An address was delivered by the Hon. Hugh Maxwell, then district attorney, a deeply interested

manager of the house, who is still living, and is permitted to witness the amazing results which have grown out of this small beginning. He has since addressed more than a thousand children occupying the noble structure upon the island, which is the lineal successor of the Madison square barracks. More than 13,000 have been inmates of this refuge, and from 40,000 to 50,000, it is estimated, have enjoyed the instruction and discipline of the score and a half of similar institutions which have grown out of the first successful experiment.

It is an interesting fact, that one of the chief reasons urging the minds of these early friends of reform in this country to establish a house of refuge is still one of the most interesting, open, practical questions connected with the reformation of young delinquents and criminals — the introduction of one that had cut himself off from the confidence of the community by an act of crime, to virtuous society and productive labor once more. As long ago as 1803, when Edward Livingston, the father of legal and penitentiary reform in this country, was mayor of the city of New York, he was deeply impressed with the helpless condition of a youth leaving the prison without a trade, and without an opening for him in the community. What can he do? the mayor asks. He has no capital of his own, and that of others will not be intrusted to him; he is not permitted to labor; he dares not beg; and he is forced for subsistence to plunge anew into the same crimes, to suffer the same punishment he has just undergone, or, perhaps, with more caution and address, to escape it. Thus the penitentiary, instead of diminishing, may increase the number of offences. He sought, ineffectually, to organize a society, or an institution, to provide forms of remunerative labor for such as these. It was as a refuge for young criminals of this class, among others, after the completion of their imprisonment, where they could learn a trade, gradually win back the confidence of employers, and gain strength of purpose themselves, that Mr. Gerard recommended the construction of an institution in the memorable public address which resulted in the establishment of the New York reformatory. The movement, however, took upon itself more of a preventive character, and the effort was made rather to succor young children, and to prevent even their first imprisonment. At this day, there are thousands of young men and women under twenty but over sixteen (the normal limit of age for admission to reform schools), in penitentiaries. As these prisons are

now conducted, their condition is, humanly speaking, hopeless. There are now no persons outside the prison walls prepared to receive and encourage discharged prisoners, in any considerable number, except their old criminal companions. These are ever ready to meet them as the door of the prison opens, and to proffer them shelter, food and encouragement in a dishonest course. No counting room, mechanic's shop, nor even farm labor, invites a young discharged prisoner to earn an honest living. Respectable people hold themselves aloof. If the man will not starve, he must steal. He is thus made a bitter enemy of society, and becomes desperate in the inevitableness of his condition. "They will all as certainly come back here, or be sent to another prison, after their discharge, as they live," said the warden of a penitentiary, a few weeks since, to the writer, as we stood gazing together upon a gang of a hundred or more young lads, averaging eighteen years of age, at work lazily in a stone quarry connected with the prison. "Where else can they go?" he asked. What place has society for them, or what plan but to train and harden them by short sentences for the highest forms of villainy? Houses of refuge, receiving inmates from cities and permitting mature lads to be sent to their custody, meet with the same difficulty. If the youth be placed with a farmer, or even sent to the west, he almost inevitably gravitates back to the city, and, for lack of regular employment, is soon tempted to enter upon his old courses, and becomes a "revolver" in the penitentiary. The old *détenues* of the refuge, having thus lost self-respect, stand ready to seize upon such boys as they have known or learn to have been inmates of the house, and to beguile them again into their criminal ranks. How to bridge this gulf between a moderate period of detention and a permanent position in normal life has been the last problem studied in the New York house of refuge, as it was one of the first thoughts of some of its founders, and an encouraging approach has been made to a favorable solution. By bestowing upon this class of young men a full trade in some branch of mechanical labor, permitting them before their discharge to earn a handsome outfit, and then, through the co-operation of the contractor (it might be secured otherwise), affording them an opportunity for work at their trade, upon good wages, under the shadow, but not restraint, of the institution, two most desirable results have been obtained: First, a marked inspiration has been manifest

throughout the ranks of the older boys, and especially among those who from *oinomania*, *kleptomania*, or sexual helplessness, would have been sure to become the victims of street temptations. The prospect of accomplishing something in an honest line has awakened unwonted hope and ambition within them. In the second place, quite a number of second and third comers, lads who had been inmates of penitentiaries, very hard and unpromising cases, are now coming daily to their work, having decent boarding places, and are restrained from their old temptations by the moral forces around them and the encouragement of good wages. This promises to be one of the most hopeful measures for diminishing the number of those who, in spite of the lessons of the refuge, are borne down by the tide of evil influences sweeping through the streets of our cities. The true work of a reformatory school is as verily to be performed outside as within its walls. It may not retain, for an undue time, an inmate within its immediate discipline, but it should always follow him with kindly supervision, and strive for his redemption by many trials, if necessary, as does the true parent, in whose place it stands. Its open doors, during his minority, should ever be his welcome shelter in all hours of peculiar temptation growing out of want.

During the quarter of a century succeeding the establishment of the New York institution but few houses of refuge were opened in the country. Boston was the first, in 1826, to follow its example, and Philadelphia in 1828. It was not until 1835, that the interesting private farm school for orphans and poor children was opened in the city of Boston, and afterward removed to Thompson's island, in the harbor; and it was as recently as 1847, that the state reform school at Westborough, Mass., began to receive its inmates. It was nearly ten years after this, as will be seen by the accompanying tables, before these institutions began to multiply in various portions of the country. The New York and Boston institutions attracted in their early years much attention on this continent and in Europe. They were both of them particularly favored in their first superintendents, who were men of original and marked abilities — Rev. Mr. Wells in Boston, and Messrs. Curtis and Hart in New York. They were scholarly men, of great personal magnetism, drawing their young families to themselves by an almost irresistible force, and greatly impressing American and foreign visitors by their reformatory power over

them. There was no discussion at that early day in reference to the style of buildings or the systems of discipline, save that the latter should be chiefly moral rather than corporal, and should meet the young new-comer with a face of love rather than a frown, and impress them rather with its mercy than its power of retribution. The earnest managers of those days took such edifices as they could obtain by the gift of the city or from individuals, and provided the best accommodation their limited means permitted. They depended more upon intellectual, industrial and moral measures, and the personal amelioration of character through the agency of christian officers and teachers, than upon material facilities. If we can rely upon the statistics of those days, we have gained but little upon them in permanent moral results. What we have secured in pecuniary endowments, noble edifices and generous appliances, we may possibly have lost, in a degree, in enthusiastic earnestness and self-denying devotion, on the part of those to whom these important institutions are intrusted.

The first institutions were constituted by benevolent individuals, subscribing freely of their means, and obtaining an act of incorporation, giving them legal authority over their inmates. The management was perpetuated by annual elections among themselves, without political interference, the state simply granting yearly subsidies, and requiring an annual report. These institutions have been far more successful, useful and peaceful than such of their successors as have been purely state establishments, with their trustees appointed by the executive authorities, and their officers, as a consequence, constantly exposed to changes. In almost every instance of this class, at some period of its history, serious embarrassments have resulted from its policy, and the usefulness of the institution has been often greatly periled.

The true policy of the state is, by a general law like that of Great Britain, to allow a reasonable sum, *per capita*, to all public institutions for reform, and to encourage philanthropic men and women everywhere to multiply such houses, thus developing the noblest traits and sacrifices on the part of its citizens, and bringing the opportunities of reformation into all the exposed quarters of the land. By a careful supervision, and by requiring a certain standard of sanitary, educational, industrial and moral facilities, the state may easily be defended from any abuse of its charity.

The reports of Horace Mann, secretary of the Massachusetts

board of education, and of Dr. Calvin E. Stowe, of visits to the very interesting and successful institution established by Dr. John Henry Wichern, in 1833, at Hamburgh; of its embowered but plainly built cottages, containing families of twelve boys or girls each, with workshops, school-house and church, and the remarkable results which this learned and devoted man and his warm-hearted mother had attained with some of the most depraved street boys of the city, awakened fresh interest in the work of juvenile reform. The two valuable volumes of Miss Mary Carpenter, of Bristol, England, upon the causes and cure of juvenile delinquency, presenting the attractive picture of the agricultural colony for boys at Mettray, in France, established under the supervision of Judge De Metz, with its separate houses for twenty boys, without walls, or bars, or locks, as well as new illustrations of the discipline of the Rauhe Haus under Wichern, and the imitation of the continental schools by England at Red Hill, with a full discussion of the various difficult questions involved in the training of this class of young persons, confirmed the enthusiasm awakened in many benevolent minds in reference to the reformation of young criminals and the rescue of exposed children. In 1853 the board of managers of the Philadelphia house of refuge offered a premium of $100 for the best essay, and $50 for the next in excellence, upon juvenile delinquency. Forty-four papers were presented, and three of them were published. The highest prize was given to Rev. Edward Everett Hale, and his essay upon the state's care of its children was particularly suggestive and impressive. The others, by bishop Moore, of Virginia, and by an anonymous writer, approached the subject from different points, and showed how widely extended and profound was the impression that the state was not meeting its paramount obligations to its exposed and criminal youths. Just at this time the legislature of Massachusetts appointed a commission of learned and practical gentlemen to prepare a plan and a law for the establishment of a proposed school of reform for delinquent girls. They entered into an extensive correspondence, and presented, in 1855, to the legislature, a very full and valuable report upon the subject. They settled upon what has since been called the "family plan," breaking up the institution into separate houses of thirty girls each, with their three matrons, all united under the general supervision of a male superintendent. The title of "industrial school" was afterward given

to it, to relieve the after life of the inmates from any stain arising from a penal name; and upon the system proposed by the commissioners it was constructed at Lancaster, Mass., and has been administered there for about fifteen years. It forms a pretty village scene, with its neat homes, its white spired church, and its merry children sporting on its grounds.

Nearly at the same time, Ohio commissioned thoughtful and benevolent men to elaborate a system for a state reform institution for boys. They were strongly impressed with the Massachusetts law and system of discipline, and, having made themselves familiar with the noted European establishments, they arranged the well-known state farm at Lancaster, Ohio, with its family houses, bearing their melodious names, and its novel system, in this country, of elder brothers. The conventions of managers and superintendents of reformatory institutions, held in the city of New York in 1857 and 1859, afforded favorable opportunities for practical laborers and the advanced students in the field of juvenile reform to present and compare opinions.

These various public demonstrations in behalf of exposed and criminal children were not without their natural results. Active measures — hindered, indeed, somewhat, but not prevented, by the war — were instituted throughout the northern and western states for the establishment of state, corporate and private reformatory institutions for the use of the young. It is difficult to obtain a full report of the smaller establishments, and thus secure a clear idea of what really is doing throughout the country in this direction. Quite a number of new institutions are already projected, and are in the process of construction. The "family plan," so called, generally prevails, in some modified form, in the later institutions, and the sexes are trained in different schools. About the same standard of education is attained in all these schools of reform. The same high average as to health and low average as to the death rate, and much the same results as to the reformation of their subjects, according to such statistical tables as have been secured, seem to be reached by the majority of these institutions. But it is quite impossible satisfactorily to compare the institutions with each other; some have younger children, some reject very hard cases. Some have only the hard cases committed to their custody — juvenile and orphan asylums in their vicinity, and children's aid societies, skimming the more promising street boys for *their* discipline and

distribution, and leaving the poorest quality, physically and morally, to the house of refuge. Some retain their children six months, some one year, and some three. Some keep a carefully written record, and others base their moral statistics upon general impressions. There are no positive facts which enable a thoughtful person to form a safe judgment of the moral and permanent advantages which one system of juvenile discipline has over another. In many instances, repeated changes in administration, and inefficient men, have rendered a good system helpless to work out its possible results among the inmates of a reform school. In some cases, as in the city of New York, the magistrates constantly yield to the importunity of parents, or the demands of persons having political influence, and by the occasion of flaws in warrants, or other ready devices in the use of the writ of *habeas corpus*, interrupt the efforts of managers to reform vicious youths, and rarely afford them support in withholding children from miserable homes, and obtaining for them the wholesome training of the country farm or work-shop.

Without doubt, however, every institution is working out benign results, and is constantly correcting its own practical mistakes. We are disposed to criticise each other somewhat severely, because no "power" has bestowed upon us the gift to see ourselves as others see us. After all our criticisms, however, one class of mind works most freely and successfully under one system, and another under a different. If the great end of reforming youth is gained, by whatever humane and christian plan it is attained, we will not enter into discouraging controversy with the reformers as to their measures.

The universal want in these institutions is a class of better educated and more devoted subordinate officers. Every person coming near these children should be an example of the christian virtues, have special intelligence, and be of a reforming mind. The superintendents, taken as a whole, are a superior class of men. But ignorant men, and sometimes immoral men, because the salary paid for the position they occupy is small, are found in the lower offices. The oath or sneer in the hall or yard will do more injury than the chaplain can overcome in the pulpit.

Almost all the institutions suffer for lack of well-arranged, remunerative, and somewhat brisk and hard work. This is indispensable in reform schools, both for boys and girls. Other vital elements being present — such as sanitary, educational, and moral forces — the success of a reformatory institution will be measured by its

wisdom in arranging its industrial discipline. The forms of lab chosen should be those that bring reasonable pecuniary returns- work that may hereafter be followed by the inmate as a trade: should be allotted in the form of stents, not too severe, to encou age rapid labor — a lengthened period of play rewarding diligen at work: it should stand in some way related to the hour of di charge, so that the inmate will be constantly inspired to impro at his tasks; and, at a certain stage, it is very desirable that l should share in the pecuniary results of his work.

Effort enough is not put forth to follow and succor the chi after its discharge from the refuge, and to renew the work reform at the school when it is necessary. The true and fu influence of a reformatory cannot be safely measured by t social condition of the youth in the first years after his discharg His falling into temptation again and sinking back into a pe tentiary, even, does not prove that his training received in the refu has been inefficient, or is lost. Do we give up all hope of intemperate man struggling to reform, who stumbles once or ev twice? The writer has known of repeated cases where boys fro a reform school have fallen into crime, and within the cells of prison have recalled their former instructions, and have tak courage to attempt again a virtuous life, and have succeeded. W have had young men in the penitentiary seek the opportunity coming back to the old home again, and trying once more encouraging discipline. Even in the case of a young man execut for murder committed in an hour of drunkenness, his penitenc his humility, his proper view of the turpitude of his conduct, l remorse that he had not lived as he was counseled when an inma of the refuge, gave undoubted evidence that the whole effect the moral lessons he had received was not lost.

Some institutions are too indulgent, and some too exactin Absolute justice and kindness secure more contentment among t inmates than constant coaxing and amusements. Facts show, spite of theories, that walls and securely closed doors do n depress nor discourage youths of an age suitable to be committ to a reform school; do not unfavorably affect the health nor destr buoyancy of spirit, but they do allay the Arab feeling in the vei of street children, and the demoralizing meditations upon possil plans of escape.

While the farm offers the most wholesome discipline in ma

respects, and it is desirable to send away vagrant boys from the city into the country, there are many that will not remain upon a farm, that need for their discipline the more active training of the shop, and who give a far better promise of being rescued from the temptations of the streets, if they have a remunerative mechanical trade. Besides, many months in the year the farm offers little work for these institution boys to perform. The shop and the ship are the great promising openings for them.

It is still, however, the era of experiment, and the newer institutions are coming upon the field with the accumulated wisdom of a half century's trial to aid them at the start. The great leverage of loss still in these establishments — the fall of so many that have enjoyed their instructions — show that there is further work for thinkers and executive minds to busy their thoughts upon.

While the reform schools have been multiplying, the work of prevention has been carried on with an equal pace. The remarkable success of Dr. Chalmers, in Glasgow, in 1820, in carrying the day schools and religious institutions into the most vicious and degraded portions of the city, and changing the whole physical appearance of the vicinity, as well as the moral character of the inhabitants; and the repetition of the experiment in Edinburgh in 1845, in streets to which Burke, by numerous murders, had given an infamous notoriety — where one-fourth of the population were on the poor roll as paupers, and another fourth were known to be street beggars, thieves or prostitutes — awakened general interest. Within five years, by the introduction of the simplest form of religious and intellectual culture, the whole character of that locality in Edinburgh was changed. So practicable and effectual was the work, that in this short period it was not known that a single child of a family resident within the "West Port" was habitually absent from school, and from being a dangerous neighborhood, day and night, it became one of the most orderly and safest quarters of the city. The success, also, of Sheriff Watson, in the Scotch city of Aberdeen, in clearing all the streets of young vagrants by supplying plain clothing, food and instruction, and requiring all children found in the streets without regular employment to attend upon them at the peril of being committed to the penitentiary; and of the English ragged schools, originated by that remarkable crippled shoemaker, John Pounds, of Portsmouth, in his experiment with his "little blackguards," as he called them, inspired christian men

and women on this side of the Atlantic to explore the dark wastes of vice in our large cities, and carry with them the resources of the gospel and opportunities for intellectual and industrial training. What transformations have taken place in the Five Points and fourth ward of New York, in Bedford street, Philadelphia, and in North Street, Boston! The moral wilderness and the solitary places have been made glad by the presence of devoted men and women; the wolf has been made to dwell with the lamb, and a little child has led them.

One of the most thoroughly organized preventive measures of the day is the extended system of the children's aid society, in New York, embracing temporary lodgings for little street merchants, day and evening industrial schools, and a constant, vigorous deportation of the vagrant youths of the city streets to those portions of the country where the pressing demand for even juvenile labor secures for these "little wanderers" a comfortable home and an agricultural training. The past twenty years has witnessed the rapid increase of orphan institutions, Magdalen asylums, city and midnight missions, and almost every conceivable variety of associated effort to carry the blessing of the gospel to the dangerous and perishing classes. There is, doubtless, a great want of economy in this multiplication of agencies with paid agents. It is not altogether an unfounded taunt on modern philanthropy, that it is made to cost two dollars to give a needy person one.

There is a special call at this hour for some central board in states or municipalities to systematize and harmonize these multiform agencies; but, after all these obvious evils are admitted, it must be said that their very multitudinousness calls the greater number of workers into the field, and secures a wider exploration of the seats and nests of vice and crime, the breaking up of which will be one of the most important and successful steps toward depleting our prisons and decreasing the criminal class. We bid God-speed to all these thousands of laborers in the great common field. Their efforts will disclose their efficiency in the transformations they secure. They will—

"Ring out old shapes of foul disease,
Ring out the narrowing lust for gold;
Ring out the thousand wars of old,
Ring in the thousand years of peace;
Ring in the valiant man and free,
The larger heart, the kindlier hand;
Ring out the darkness of the land,
Ring in the Christ that is to be."

IV. The Ideal of a True Prison System for a State.

By Z. R. Brockway, Superintendent of the Detroit House of Correction.

As, in poetry and the fine arts, ideality forms one of the chief constituents of creative genius, so, in political affairs and civil progress, it is an essential element. It is the image of the real — that which may be; not of the visionary, the fanciful. Plans for improving society, deduced from cloistral meditation, may be chimerical; but practical reforms come from actual contact with the classes considered. A prison system, devised by the philosopher, may or may not be practicable; but a system, drawn from experience, is likely to be true; and such is the ideal I wish to evolve.

The prison system of a state, being a department of the state government, should partake of the *same spirit* with the other parts; and, since all good government is beneficent and promotive of the prosperity and happiness of society at large, through its individual members, a true prison system will seek this end for that portion of society, for whose special benefit it is created. The true interests of the individual are never antagonistic to, but always identical with, those of society. Whatever may be their character or conduct, this remains ever true. No social ostracism can change it. Disregard of this principle is sure to bring disaster in one form or another. Legalized degradation or destruction of any class or any criminal inflicts injury upon the whole social organism directly or reflexively; while efforts for the highest and best welfare of any person or any portion of society promote the general good — positively when successful, negatively always, and necessarily upon the active agents of such efforts, whether successful or not.

Not only should there be unity of spirit in the general government and the prison system of the state, but *identity of aim.* The grand aim of government is to protect the people in the exercise of all the liberty they can rightfully claim, and thus to secure the highest development of their natural faculties and powers. So the central aim of a true prison system is the protection of society against crime, not the punishment of the criminals. Punishment the instrument, protection the object; and, since it is clear that there can be no real protection against crime without preventing it, *prevention* must be placed fundamentally in the principles of a true prison

system. This widens the scope of a prison system, embracing causes of crime, mediate and immediate, and the classes from which criminals come, as well as the treatment of criminals themselves. It includes, of course, a system of prisons, but much more than this, if it is to be of any great service.

The causes of crime are primarily in the person, secondarily in the circumstances that surround him. The quality of being that constitutes a criminal cannot be clearly known, until observed as belonging to the class from which criminals come, for the peculiarities of an individual may be purely personal, indicating nothing definite as to the law that governs his actions; while the same facts, found to follow a class, would reveal at least the existence of a law, though possibly not yet definable. The science of man forms the foundation of all systems for his government. A true prison system, therefore, should take cognizance of criminal classes as such, for purposes of investigation, to bring to bear such forces as may modify their common character, thus diminishing the tendency to crime. Surely, much may be gained for repression of crime in a community, through facility of access to, and information concerning, the criminal class, and also much for finding the true principles of prison administration, when we can classify society and designate the conditions that develop criminal practices. See the significance of the following facts, gathered from an examination of 100,058 prisoners from 15 different prison establishments, as well county prisons for the confinement of those convicted of misdemeanors, as state prisons for felons: 53,101 were born in foreign countries, leaving 46,957 natives; but of these, full 50 per cent were born of foreign parents, making over 76 per cent of the whole number, whose tastes and habits were those of such foreigners as emigrate to this country. The inmates of the two classes of prisons, viewed apart in this particular, show that, while 61 per cent of the county prisoners were actually foreign born, only 39 per cent of the state prisoners are so reported, thus exactly reversing the ratio. Of this 100,058 prisoners, 58,159 were living without the influence of family life, and 41,899 laid claim to family connections. Now, if we consider, in connection with this, what we know as to the life of these latter — the low type of their family relations — we have another social fact in reference to criminals, of much importance. Again, of the same aggregate, 16 per cent were between the ages of 16 and 20 years, 42 per cent between 20 and 30

years, and 42 per cent over 30. Or, 58 per cent were under 30 years of age, and 42 per cent over; in the county prisons 52 per cent were under 30, and in the state institutions 70 per cent. The following facts as to the previous occupation of this 100,000 prisoners convicted of crime point unmistakably to its prolific conditions, viz: 82 per cent were laborers and servants, 16 per cent only were artisans, less than 2 per cent "professional loafers," and only 874 of the whole number from the educated professions. It is known, too, that the education of prisoners generally consists in the ability to read and write simply; but few can do any mathematical work, and not one per cent are classically educated, and these but superficially so. The statistics in my possession show 27 per cent not able to read; 17 per cent read a little, but do not write; thus 44,000 of the number under consideration are without education, and the remaining 56,000, being able only to read and write, are without systematic mental culture. If we add to the above one other fact, viz.: that 82 per cent admit themselves to be intemperate, in bondage to their animal appetites, only 18 per cent claiming to be temperate, while many of these were committed for crimes, the consequence of their excesses, we have an array of statistical information as to the social condition of the classes from which criminals come, and inferentially as to the constitutional condition of criminals, that cannot be ignored by any prison system justly entitled to the name, and certainly not by the true ideal system.

Not only does there devolve upon the department of criminal administration the gathering and arrangement of social statistics that bear upon crime, but the duty of generalizing them. No sound prison system can be devised until examination is had of antecedent social phenomena. Whence these unfavorable conditions among men? Why does crime follow in their train? What is the molecular condition or quality of those who gravitate to vicious and criminal society and practices? How is the mind affected by a degraded physical organism? How are the tastes formed, the purposes and desires moulded, and the moral sense obscured by such a mind? Do men make themselves what they are voluntarily, or is there a law of transmission pervading the moral and intellectual nature, as well as the physical? What kind of culture intensifies the natural tendency? What cures and tones up? How can a system be planned, a department of state government formed, to cure criminals, to stamp out crime, and to heal the

social disease thus developed, without first obtaining a diagnosis of it?

The current opinion as to crime is two-fold: That all men are absolutely free to do or not to do; that they voluntarily elect and deliberately do wickedness, with full knowledge of its nature and consequences, with full power to restrain themselves, and that it is a subterfuge and a lie that passion, appetite, or any other propensity ever enchains the will, and enslaves them; or, at least, that all men are *born* free, and if the chains of captivity now bind them, it is by their own folly and free act; that they might have prevented it, and if suffering comes as a consequence, it is but just; and that, if crime is committed, the public punishment should be such as as to recompense them fully in anguish and pain for their wickedness, and to strike with terror those who know of their fate. On the other hand, it is maintained that our individual liberty of action is limited by the bias with which we are born, or by that arising from the circumstances of our early life (both beyond our control); that the quality of the physical organism, as well as the condition of health, at any given time, influences our impulses and desires, and bears upon the possibility or impossibility of self-control; that election itself is determined in great degree by the natural tastes and those that come by cultivation and habit, without our special volition: that any line of human conduct, good or bad, is governed much by the balance of power in the will or passions; that therefore a criminal act indicates a particular species of the *genus homo*, or some variety of a species, not favorable to friendly fellowship with the world at large; that society should not punish the criminal, but impose upon him such restraint and treatment (when the condition is clearly ascertained) as shall secure protection to itself, and conduce to the further and higher development of the wrong-doer himself.

The advocates of this latter view hold that vengeance for recompense belongs not to human hands, but to God, who has expressly reserved it to Himself; and that it has no place in a true prison system. Nor should punishment, they maintain, be inflicted upon the perpetrators of crime, that others may be deterred from a similar course, for this is unjust, jeopards reformation, and breeds antagonism to the law and its executors. They further affirm that, in the history of jurisprudence, the deterrent force of punishment is found practically a failure for the purpose in view. Never-

theless, they demand the most thorough treatment of criminals. They espouse no sickly sentimentalism. They are not mere popular philanthropists, but urge upon society the obligation to treat the great company constantly coming to the surface (whose mania or monomania, though formed and manifested never so naturally, still renders them dangerous or damaging to the public welfare), *in such a manner that they shall either be cured, or kept under such continued custodial restraint as gives guarantee of safety from further depredations.*

It will be noticed that there is a wide difference in these two views of crime; a difference so wide that every prison system must be founded upon one or the other of them, and not by any possibility upon both; for a system, so founded, would be divided against itself, and could not stand. Just here, thorough discussion is needed, for irrevocable choice must be made. If punishment, suffering, degradation are deemed deterrent, if they are the best means to reform the criminal and prevent crime, then let prison reform go backward to the pillory, the whipping-post, the gallows, the stake; to corporal violence and extermination! But if the dawn of christianity has reached us, if we have learned the lesson that *evil is to be overcome with good*, then let prisons and prison systems be lighted by this law of love. Let us leave, for the present, the thought of inflicting punishment upon prisoners to satisfy so-called justice, and turn toward the two grand divisions of our subject, the real objects of the system, viz.: *the protection of society by the prevention of crime and reformation of criminals* — considering first and more particularly what these two ideas involve; then the practical plan for the prison system that shall best succeed; and afterward the necessary steps by which it may be realized.

Crime, springing, as it does, from the selfishness and imperfection of our nature, cannot entirely cease until we have a perfect society, which must be composed of a perfected race: this we can hardly hope for in our age and generation. But crime may be diminished by the progress of civilization, which, within the sphere of our influence, we may help or hinder, though in the world at large civilization is bounded by great laws, operating in harmony with those which govern the changes occurring in the material structure of the earth itself. The throng of European emigrants of the poorer class, coming annually to our shores, seems to have something to do with the volume of crime in our own country (as

shown by the statistics heretofore adduced), and may be regulated so as to secure a more rapid and sure absorption of them among the native population; and something may be done to distribute the dependent and dangerous classes from the crowded marts to more thinly populated regions, thus doing away with many incitements to crime, as far as they are concerned. The large proportion of criminals living out of the family relation, and the low type of family life of the rest, suggest the thought of some governmental control of marriage, to make it honorable and desirable for the poorer classes, and to *prevent* such unions as necessarily propagate disease and dangerous tendencies; also to require and maintain suitable sanitary conditions for the growth of a healthy people, with pure impulses. This latter seems the more feasible, from the fact that so large a majority of criminals are under thirty years of age, and therefore susceptible of improvement as a class. That the labor question, in its numerous ramifications, bears directly upon crime, is clearly indicated by the 82 per cent of the 100,000 prisoners whose previous occupation was that of day laborers and servants — the prevention of crime seeming to involve the necessity for better compensation and better facilities for their education, the want of which is made painfully apparent by the statistical statement given above. So, too, it would seem a hopeless task to try to prevent crime without regulating and restraining the vending of intoxicating liquors, when it is shown that 82 per cent of criminals admit themselves to be intemperate. The department of prevention also involves the compulsory education in common schools of those children now excluded therefrom by their incorrigibility or indifference, and the neglect or disregard of their parents and guardians; also of the children and youth in jails, almshouses and dependent families, who are wholly or in part the wards of the state, for here are found the seeds of much degradation, and the source of much criminality. So, too, the system of temporary relief for the indigent, as it is generally framed and administered, must be supplanted by a better one, free from the degradation incident to receiving alms, and supplied with some stimulus to exertion and to social elevation. The poor-houses, many of them poor indeed, need to be replaced by state or district establishments, with better appointments, and such administration as looks to the cultivation of the inmates up to a self-sustaining point, instead of their stinted support in *statu quo;* the iniquitous common jail system

must be stricken from the face of society, and some safe place be provided in each county for the isolated imprisonment of alleged criminals before trial, and also district industrial reformatories for the treatment of those convicted of misdemeanors, fallen persons and laplings. The prevention of crime, therefore, involves a change in public sentiment as to these matters. That sentiment of society which lets alone the causes of crime leaves the criminal (out of regard to falsely so-called personal rights) in unrestrained practices, premonitory of the sure result, and then cries for punishment, vengeful, vindictive. When no pity is felt for the forlorn wretch who is often the victim of ancestral vices, vile parentage and poverty-stricken surroundings in early life, the sentiment of society prevents the possibility of planting a true prison system. There must be such an advance of civilization, such virtue and intelligence in the state, that its chief officers, its legislature and its courts shall have real regard for society, and hold all things subservient to this sentiment. When all social questions are viewed from the partisan stand-point and for partisan ends; when the administration of this department of the public service is interfered with and its management attempted by politicians who have no knowledge of its true nature and necessities; when the judges of the courts are elected to place by the seeming riots of the roughs, and then let those to whom they are indebted for their elevation slip through the meshes of the law, possibly reading religious homilies to turn the public eye from the true character of the proceeding — then only *bastiles* or *bridewells* are possible. Public sentiment must be changed, kindlier feelings cultivated, and control of these matters concentrated in some competent authority, free from partisan bias. The influence of society at large and of the government must be enlisted in aid of these efforts to interpose barriers to the growth of crime, preventing, so far as possible, the crop of criminals now gathered as a harvest with every returning court session, and restraining, educating, refining, *reforming* such as sift through these preventive means, and come into prison establishments for cure.

The term *reformation*, as here used, has reference to that "cor rection or amendment of life and manners," that makes those who were obnoxious and troublesome, tolerable, acceptable or useful citizens. This, society may undoubtedly secure by force, if necessary and possible; for this, the so-called liberty of the citizen

may be legitimately restricted; but society may not attempt the forcible adjustment of individual interior relations to the Divine Being, nor impose any particular religious system; for our personal attitude toward God is known only to Him and ourselves, and religious systems are of variable value for the reformation of prisoners. The change sought in the character of criminals, called reformation, is of a practical nature, and has to do with daily life in ordinary social relations. As a result attained, no particular importance is attached to the welling up of the emotions at particular times, those spasmodic impulses poured forth in passionate utterance from fickle hearts and foolish tongues. All this is but a poor antidote for evil propensities inborn, inbred, or inbreathed from the social atmosphere of a life-time, though doubtless it has its use in rousing the sluggish mind, in stimulating better purposes, and possibly in strengthening them. Reformation involves such change in the constitutional tendencies, that the impulses and desires are revolutionized and become permanent, with their preponderance decidedly to the right. It involves such added power of self-control as gives always free choice when the mind is diversely drawn by mixed motives; and it involves, further, such favorable situation in society, when restored to it, as shall strengthen (by association) the good, and not excite the evil within by a temptation greater than can be borne.

Approaching now the presentation of the plan for a true prison system, I am overwhelmed with a sense of the magnitude of the task, profoundly impressed with the breadth of the theme, and painfully sensible of the proper limits of this paper, whose thoroughness and clearness demand a review of present prison systems, so-called, a discussion of the principles involved, a particular description of the several reformatory establishments included, and full notes detailing the management of prisons and prisoners, and the preventive operation of the system. Of course, to accomplish all this is impossible; a mere outline must suffice.

The ideal prison system which I would delineate contains three departments, viz.: (1) Organization; (2) Legislation; and (3) Administration.

The organization may be considered under two heads: (1) The executive force, the governing power, the centralized head; and (2) The institutions and instruments, through which it is to act upon society and the criminal.

So much has been written and said upon the necessity of withdrawing this important public interest from the political administration of the state, and placing it under particular charge of a few selected citizens; the practice is being so generally adopted by states farthest advanced in civilization, and has been found so favorable in its effects, that I assume this as the true policy. Their title, which is usually board of charities, while preferable to that of prison commissioners or commissioners of correction, is still objectionable; and the term "prison" should be stricken from our statutes. In the communications of mind with mind, it is a well-settled principle that "like begets like." We have the best authority for affirming that "a soft answer turneth away wrath, but grievous words stir up anger;" so the language in which public laws are expressed, the name given to officers and institutions, modifies the idea conveyed, and shapes public sentiment. To put into society prisons for the punishment of any class, or charities for their gratuitous aid as dependents, stirs up a spirit of opposition in the one, and degrades the other. The absence of interest to maintain the law, the want of sympathy with it and its ministers, the positive antagonism felt by criminals as a class, must have been observed by all closely conversant with them. That the prevalent idea of imprisonment is *punishment*, not restraint for reformation, I need not try to prove; it is in the very nature and constitution of criminal law as now framed. It pervades the dietary, clothing, quarters and treatment of prisoners, as well as the official titles of all things and persons connected therewith. This is pernicious in its effect upon the public mind, and it is the discernment of this that has suggested the change to "charities" already made; but the word "charities" in this connection savors of class distinctions, and thus intensifies differences that need to be dissipated. The true attitude of government is that of guardian; its true function to shelter, shield, help, heal. Therefore, I propose the title *board of guardians* for the commissioners who shall control criminal treatment, as well as the direct charities of the state.

The appointment of the board should rest in the governor, with the advice and consent of the senate, for obvious reasons. The term of appointment should be long enough to make the position a permanent one in the esteem of the appointees, and thus to deeply interest and thoroughly educate them in this great matter,

and to make available for the state their ripe culture and experience; say from five to ten years.

The right composition of the board is a difficult matter, from the fact that there is little suitable material in society from which to select; but, when the dignity and importance of the duties are better understood, it is believed the high demand will naturally develop the needed supply. It may be true that most men who are much interested in public affairs seek some partisan or personal advantage therefrom, and that philanthropists who self-sacrificingly devote themselves to society are usually well-disposed persons, with warm hearts but weak heads, whose lead is not safe; but not all are thus. It is a glory of our time that strong men, with sound minds, are throwing their plummet with flowing line into the dark depths of society, and are presenting plans for improvement, without much regard for precedent; these men, intelligent, enterprising, ingenious, already interested in the science of society, are to be found in every state, will be multiplied as time goes on, and will form the class from which these boards should be selected. For purposes that will hereinafter appear, it is desirable that there should be upon the board a physician, an educator, a judge well versed in moral as well as legal science, a mechanic, a manufacturer, a merchant or financier, an editor or man of letters, a man specially distinguished for his "common sense" and independence of character, a matronly mother, of sound sense, and a woman zealous for the rights of her sex — making, altogether, the number of ten, which is given as the maximum.

These should serve without pay, except for their necessary expenses; for, unless citizens can be found who will give their lives for the good of society, and devote themselves freely to the guidance of such great interests as these, without compensation, they cannot be found at all. Such men will not sell their services for pelf. Such a board, so selected, should be literally loaded with power; it is only thus that the position can attain sufficient dignity to secure the gratuitous services of good and great men, and can thoroughly enlist the life interest of noble souls; only thus can they obtain the freedom and independence of action, which are necessary to meet promptly and decidedly the exigencies that will be ever arising in this department of state administration. They should be held to a rigid accountability by the legislature and the public; the growth of crime should be deemed a disgrace to them; and, after suitable

changes are had in the criminal law, the frequent re-committal of the same persons for crime should be their sentence of condemnation.

Their attention should, in a general way, be directed to sanitary regulations for the state at large, for here is found a germ of that physical and mental degradation which gives rise to vicious desires and ungovernable impulses; to compulsory education of indigent or indifferent children and youth, for, by this, much of the beforementioned evil may be counteracted; to the encouragement, inspection and general supervision of individual and independent enterprises for the care of any and all classes of unfortunate and dependent people, which, when systematized and rightly directed, will prove an important preventive agency; to the dissemination of much-needed information, by publications and addresses, as to the causes that produce, and the means to prevent, poverty and crime; also, to direct the ministerial police of the state for the suppression of all public practices and institutions, existing in violation of law, which bear directly as causes upon these dark social problems. Their observations and reports would constitute a look-out from the ship of state, through which the government from its watch-tower, and the citizens at their fire-sides, might see approaching dangers, and avoid them. The board itself would, like a watchman, wait without wearying, and ever watch to guard society against the wiles and wickedness of the worthless and the vile.

Their particular work, however, has relation to the care, custody and cure of such persons as are convicted before competent courts, and adjudged as needing restraint and treatment in the curative institutions of the state, and to the administration of the poor-system, both its almshouses and the department of temporary, out-door relief, the jails and all prison establishments of whatever name or nature, for the successful management of which this board may be held responsible, and must have full power, viz.: 1. Power to appoint, to remove for cause, and to affix the amount of compensation of any and all officers in the employ of the state in this department, except sheriffs and those whose duty and authority are of mixed criminal and civil jurisdiction; but, so far as such officers have control of criminals and paupers, they should be subject to this board. 2. Power to create, annul, alter or amend all rules and regulations for the government and the general and particular management of such establishment and officers. 3. Power to transfer at

will any ward or criminal from one institution to another, if such transfer be deemed better for his treatment; to release, temporarily or absolutely, reformed persons; and to re-arrest and return to treatment such as relapse into vicious or criminal practices, of a public nature. The relation of the board to these establishments should be like that of ship-owners to captain and crew. They should shape the policy to be pursued, leaving their executive officer, together with the master of the house, to devise and carry into effect their own particular plans; the former supervising, reporting and recommending modifications and measures; and the latter being required to carry out the plans practically, and to *achieve success* as the condition of his continued official position; and, for this purpose, he should have the selection of his assistants, with power to dismiss them at pleasure.

The institutions and instruments through which the purposes of the board of guardians may be realized are:

1. A STATE POLICE, OR CONSTABULARY.—The experience of Massachusetts in this matter of a state constabulary has been of a mixed character, it is true, but then the experiment is of recent origin and has not yet been fully made, the act creating it having passed as late as 1865. The irritations and uneasiness under it may be attributed to the friction incident to all innovations, and Mr. Sanborn, late secretary of the board of charities for that state, is decidedly favorable to its continuance. Should there be doubt about making a change so general as that of Massachusetts, there certainly can be no great objection to giving to this central board power to direct the sheriff, or a deputy sheriff, in each county, for their particular work, which is an easy and economical way of affording them indispensable aid.

2. PRIMARY SCHOOLS (as at Munson, Mass.), for the education of children from the almshouses, who are three years of age and upward, away from the contamination and taint of these miserable places, where they shall be fed, clothed and trained for good citizens, instead of criminals as now; also *schools of a compulsory character* in large cities and towns, for the control and culture of the incorrigible, who are now expelled from the public schools or brutalized by corporal punishment. Such schools are already in operation in some states, and are found useful and successful.

3. REFORM SCHOOLS for juveniles, older and more advanced in wrong development. It is not my purpose to discuss in this paper

the various systems and questions connected with juvenile reformatories, or to portray what I conceive to be the true type of such establishments; but only to say that they should constitute a part of the prison system of the state, and be under the general control (at least) of the board of guardians, for the power to transfer to and from these schools needs to be better regulated and more frequently used; and they should be carried on in connection, or at least in harmony, with the primary and compulsory school, as well as with the other establishments of the series.

4. District Reformatories for the treatment of those who are now confined in jails for misdemeanors; reformatories in which persons living vicious lives, when arrested and convicted, may be cured, and thus saved from a life of crime. The whole vile system of common jails for the imprisonment of convicted persons must be uprooted and blotted from existence, and the structures for detaining alleged offenders be made suitable in all respects for the custody of witnesses, with large, well-lighted, cheerful apartments, strong and secure against escapes, entirely isolating their occupants from each other. Solitary abode for all in common jails should be invariably enforced. The treatment of early offenders, who almost always commit misdemeanors before felonies, is entitled to much greater prominence than it now has in any prison system in the world, as is indicated by the comparative number of prisoners confined in prisons designed, respectively, for misdemeanants and felons. The average annual commitments to fourteen state prisons, including those of New York and Pennsylvania, reach only 375 each; while the average of prisoners annually committed to municipal prisons, of the class under consideration, in cities of 50,000 to100,000 inhabitants, is 1,249. As a rule, the inmates of these latter are only in the edge of the maelstrom, while the inmates of the state prisons have reached the engulphing whirl. Prisoners released from state prisons unreformed, as too many of them are, usually plunge at once into dissipation and become "disorderly persons," whose prompt arrest and treatment would save them and society from the effect of fresh felonies. These intermediate or district reformatories may, therefore, form part of

5. A Graduated Series of Reformatory Institutions for Adults. These should consist of three grades:

(*a*) *The House of Reception.* — Here all prisoners should be received and retained, until reliable information is obtained as to

heir ancestral history, their constitutional tendencies and propensi-ies, their early social condition and its probable influence in form-ng their character; and until, with this aid, an examination is had nd a careful estimate made of their physical, mental and moral ondition, upon which basis a plan of treatment may be outlined. Here the incorrigible must be detained in solitary or safe custody, nd experimentative treatment applied to all, for the purpose of inding those who can be properly transferred to the next grade.

(*b*) *The Industrial Reformatory.*—The special office of this grade s to cultivate the germinal faculties of the intellect and the moral ature, discovered during their stay in the house of reception. Pris-ners coming to this institution with good physical health, which hould be made a *sine qua non*, will be here so trained to labor as o insure their productive employment thereafter, and their perse-erance and self-command will be developed and subjected to ap-ropriate tests. The mind will be stimulated by such means as est interest and instruct. The benevolent principle, that founda-ion for all religious growth, will be brought into active use, and, f possible, so developed that it shall shape their purposes through-ut all their future life. Such of the prisoners as thrive under his training may be removed, with great hope and confident ecurity, to the last of the series for male prisoners, viz.:

(*c*) *The Intermediate Reformatory.*—This grade of establish nents may be supplied from present municipal prisons or district enitentiaries, or may be otherwise provided. They will form utposts on the brink of society, at once guarding it from the eturn of prisoners of dangerous influence, and restoring those who how themselves worthy. Their location should be in the inte-ior, in the best part of the state, near some populous town, and, if ossible, near the state university, or other prominent educa-ional institution. Their construction should embrace a large nclosure, secure in and of itself, and sufficiently removed from partments where most of the time is spent, to obviate the evil ffect of an ever-present and observable physical restraint. This nclosure should contain dormitories (not in the sense of burial-laces), affording to each prisoner a separate room, such as a re-pectable citizen might occupy; a dining-hall, upon the plan of a ell-regulated restaurant for work-people, where, within due imits, any desired edible may be supplied; a library building and ublic hall, suitable for reading-rooms, religious services, scientific

and other intellectual exercises of a public nature; suitable industrial apartments for the branches of mechanical business carried on, which, with limited agricultural employment, may constitute the productive industrial occupation of the residents; the whole to be organized substantially upon the co-operative plan.

6. SEPARATE REFORMATORIES FOR WOMEN are also necessary. These should be under the immediate management of women, and that exclusively. The movement in this direction in Massachusetts and Indiana is worthy of all praise. Wayward women must be won to virtue by their own sex, if they are won at all. Build *homes* for these, eighty per cent of whom "are what they are through no fault of theirs;" cultivate their natural love for home life; furnish them with womanly affection; fit them to earn an honest and sufficient support; find them employment and a friend; follow them with friendly acts and faithful guardianship, and fear not for their future. Full fifty per cent of them (possibly more) may be reformed, when full control, for an indeterminate time, is vested in a suitable board of guardians, and the family system supplants prison-houses for females.

The success of the prison system through these institutions will be governed much by the efficiency and intelligence of the state police or agents of the board, to be located in each county, before alluded to; for the supervision of prisoners discharged conditionally will devolve upon them, and the duty of rendering regular reports of their character and conduct, until absolute release is ordered; also to re-arrest and return to custody such as slip through unworthily, as it is expected some will do, developing again publicly the instincts of their diseased and degraded natures.

[NOTE.—The limits of this paper forbid any description of the establishments and instruments of a properly organized poor-system.]

The department of *legislation*, like that of organization, is capable of dual division, relating (1) to laws for the government of the board itself; and (2) to laws providing for the control and culture of the class from which criminals spring, to laws for organizing and administering the poor-system, to all establishments for the custody of criminals, and to laws conferring such custody. The scope and general character of the legislation deemed necessary will, for the purposes of this paper, sufficiently appear from the foregoing remarks; but more definite statement as to the custody of criminals seems to be needed.

It has been intimated that one of the primary causes of crime

s in the ignorance, on the part of a certain class in society, of e benignant design of government, and their consequent antago- sm to laws whose force they feel. Criminals committed to prison, ho are under the influence of this sentiment, naturally entertain uch the same feeling toward their custodians; and this feeling rms the first and a very formidable obstacle to their reformation. That a large part of the public are indifferent to the general wel- re, as affected through maintenance of law, must be admitted; that ose whose propensities bring them into conflict with it are antago- istic to the law and its ministers; and that this temper tends to riminal practices and hinders reformation, none will deny; but the emedy may not be so clear to our minds. It is certainly import- nt that the criminal law should be so framed as to bring out and mpress its benign spirit upon those who are subject to it. This has een attempted by putting into preamble a dignified declaration of ts reformatory design; but without success. The people and the risoners perceive its real nature. The infliction of punishment — *pain* — by society, is to secure obedience to law, either by intimi- lation or reformation. If by the former, it must be upon the ground that fear is a motive to virtuous conduct, and strengthens he moral principles, which is true neither in fact nor in theory: fear degrades humanity and develops dastards; while kindness inspires confidence, and confidence begets courage, which is moral excellence — the very essence of virtue. If by reformation, either the principle must be false or the procedure wrong; for the history of crime the world over teaches that, within certain limits, dimi- nution, coupled with certainty, of legal penalty for crime has di- minished its volume, while severity has increased it; and nobody now claims that imprisonment, under the present system, conduces to the reformation of prisoners to any great extent, or that those who impose penalties have any such hope or design.

The remedy cannot be had, the public sentiment toward the law annot be changed, so long as a *determinate* sentence is imposed at he time of trial. The effect must be stimulative to crime, and to he conditions of character that give rise to it. Heroism, noble or noble, holds the admiration and ambition of all classes and con- itions of men, throughout history, in all ages of the world. We are l hero worshipers — the best of us — and worship but an indif- rent standard after all; while, with the criminal class, the intrepid the hero, though he be brutal and bad, braving only the penal-

ties of righteous laws. The sentence of imprisonment must, of necessity, affect the mind of the prisoner, as too short and trivial, too long and tyrannical, or just adequate to the offence. If the sentence is too light, prisoners are stimulated to deserve a heavier one, that they may be esteemed more daring; and, when imprisoned, they mentally abridge the period of time appointed, and wait day by day for restoration to former associations and habits. If the sentence is too long, they often feel complimented by the importance thus conferred upon them as great criminals, until imprisonment is once entered upon, when they become vindictive toward all in any way connected with their arrest, trial and custody, and finally fall into apathy and discouragement. If, perchance, the prisoner's views should be precisely met, and his inward sense approve the penalty, then this pernicious effect is produced: he lives with a mistaken idea that he is paying the penalty — expiating his offence; like the others, he counts the days as they go; and, when released, he re-enters society, as he conceives, exactly where he left it, having, in his own estimation, paid up, and put himself right with the community.

Another active cause of crime is the release annually of hundreds of prisoners in every state, who are unreformed by their imprisonment, which must always be the case under the present system of sentences. No man, be he judge, lawyer or layman, can determine beforehand the date when imprisonment shall work reformation in any case, and it is an outrage upon society to return to the privileges of citizenship those who have proved themselves dangerous and bad by the commission of crime, until a cure is wrought and reformation reached. Such minimum of restraint must be retained as will protect the people from their pernicious influence; and this will be likely to prove more powerfully deterrent upon criminals and the criminal class, than would all the severities of the inquisition. Therefore, as for the other reasons suggested, sentences should not be determinate, but *indeterminate*. By this is meant (to state briefly) *that all persons in a state, who are convicted of crimes or offences before a competent court, shall be deemed wards of the state, and shall be committed to the custody of the board of guardians, until, in their judgment, they may be returned to society with ordinary safety, and in accord with their own highest welfare.* Of course, this board will have control of all the preventive and reformatory agencies of the state,

as before indicated, and will be charged with the right restoration to society of all prisoners, at the earliest possible date, when this result is reached.

I pass now to the statement of fifteen points of argument in favor of the plan of indeterminate sentences.

1. It supplants the law of force with the law of love, both in the state administration as a fact, and in the esteem of the people, giving the state thus her true place — no longer "*the governor*," but "*the guardian.*" 2. It secures certainty of restraint and continued treatment, which operate to prevent crime, as severity does not. 3. It makes possible the arrest and right training of that whole brood of beginners, before their character is confirmed and their caste irretrievably determined, which is impossible at present; for, the public mind, filled with the idea of *punishment*, is opposed to any forcible restraint until great depravity is reached and serious offences committed. 4. It utilizes, for reformatory ends, what, though over the strongest motive, is now the greatest hindrance to reformation, in the mind of prisoners, viz., the love of liberty, or the desire to be released. 5. It removes the occasion, and so mollifies the feeling, of animosity usually felt toward the law and its officers; puts the personal interest of the prisoner plainly in line with obedience to rules; and thus renders safe and simple the disciplinary department. 6. It concentrates the faculty of *finesse* (so common with convicts) and the use of artifice upon the persons charged with their curative treatment, thus securing active and actual contact of mind with mind, and bringing under immediate manipulation that element of character which should first be reached, an attainment so very difficult ordinarily. 7. When falsehood and strategy fail to deceive, as they surely will fail with a wise board, it secures the hearty co-operation of the prisoners for the end in view, an aid without which reformation is impossible. 8. It places the responsibility of fixing the period of imprisonment and the amount of restraint in a responsible head, known to the public, easily reached and reviewed, instead of leaving it to the whim of officers elected by the popular vote, who (as the rule) have neither time nor opportunity to know what is best in the case. 9. While this plan does not necessarily remove the power to determine periods of imprisonment for criminals from the judiciary, it furnishes the advice of experts in examinations, and the advantage of experience not now had. 10. It removes the date of determining the term of detention away from the time of trial,

with its excitements, its prejudices, and any influence of popular clamor, and affords opportunity to judge correctly of the real character of the prisoner. 11. It renders possible the speedy correction of errors and of wrongs, often unintentionally inflicted upon first offenders — those who, only once or twice in a life-time, follow a morbid impulse to the commission of crime. 12. It accomplishes the return of reformed persons to society at the right moment and at the best point, regulating the amount of restraint, as well as its duration. 13. It retains, through the whole life of the prisoner, if need be, such guardianship as protects society and even the prisoner himself from his ungovernable impulses, from persecution by the injured or ill-disposed, and from poverty and great want; but, in other cases, relaxing control from time to time, until the new-formed purposes and newly-used powers are determined and developed, when absolute release should ensue. 14. It is constitutional and competent for the legislature to enact such a statute, as I am informed by the highest legal authority. That it is the only sound legal basis of thorough criminal legislation, both deterrent and reformatory, is a growing conviction in legal minds; that it is practicable, is demonstrated by the operation of the law in Michigan, passed in 1868, known familiarly as the "three years' law." 15. The writer's experience of more than twenty years, with the most careful study of the whole question of reformation possible, forces the conviction that a reformatory system of prisons cannot exist without it, and that it is quite indispensable to the ideal of a *true prison system.*

The *administration* of a prison system is the important thing when the system itself is well planned, for its success as a preventive and reformative agency must depend much upon this, and great care will be needed lest the management becomes diverted from these aims. When the popularity of the system or of any of its agents becomes the leading thought, when results are esteemed more for their value to the pet theory than for their practical good to society, disintegration will sooner or later ensue. In times rife with political partisanship, the purest and best measures to promote the prosperity of the people are apt to be poisoned or put aside, and every thing relating to prisons and prisoners is specially open to this influence, for the criminal class in society is the arena for partisan strifes and gleanings. No true prison system can be administered for partisan ends in any degree. Personal con-

siderations influencing the bestowment of places of responsibility, such as the necessities of those who are unfortunate and unsuccessful in ordinary affairs, also perverts and spoils the best laid plans of management. Men and women must be selected for their real fitness, their practical value, as any business concern selects its employés.

The general administration will necessitate a secretary in smaller states, and two or more secretaries in larger ones, who will constitute the executive officer or officers of the board; also the subdivision of the board into committees, each having special charge of some department of the work. There should be a sanitary and structural, a financial and industrial, an intellectual and educational committee. Another committee should take charge of the examination and generalization of the facts to be found in society that contribute to criminality, and of the cultivation of right public sentiment on the whole question, on which so much depends. Still another committee, and the fifth, should be devoted to discharged persons, their favorable restoration, measurable protection and watchful supervision in society, through the system of agents before mentioned. Thus there will be two members of the board to each department, provided the number of ten suggested constitutes the whole, which accords with the plan of one wiser than we are, who sent out seventy, two and two, with whose mission ours has this likeness at least, that we seek to prevent wrong and bring back to — or up to — a condition of virtue, poor fallen humanity. Then the board, being volunteers, in the sense of serving without pay, may avail themselves of benevolent individuals and private organizations throughout the state, as helps. They may present properly prepared plans for church work, and press the importance of these practical social questions, if, by any possibilty, these ecclesiastical societies may be induced to wield such weapons for the welfare of the world, without special regard to their own formulas or finances.

While it may be expected that the true system, properly administered, will exert a repressive influence upon crime generally, an actual diminution of crimes be effected, and a large percentum of prisoners be reformed, it is not true that the former will necessarily follow from the latter; that the repression of crime in the community will certainly come from either the punitive or reformatory treatment of persons in prisons, as seems to be hoped in these days,

and is plainly stated in descriptions of the Irish system. Is it not possible that the late far-seeing statesman, Count Cavour, is misunderstood in this matter? Did he intend to say, in his letter to Sir Walter Crofton, that the *only efficacious means* of discountenancing and checking crime is by the treatment of prisoners upon the principles of the Irish system? or was it, that the only way in which this result may be effected by *prisons* is by administering them thus, without committing himself upon the broad question whether prisons, as such, can accomplish any general result of the kind named? Those who study closely the causes of crime and the character of the criminal classes must all feel the inutility of this measure, and the hopelessness of such expectations. It were as wise to attempt the destruction of a tree by plucking its fruit, to steer a ship by the topmast, or to bail the ocean with a bucket. The administration of a prison system for a state, with this sole view, is narrow, incomplete, and never can succeed. Whatever of repression is effected will not be seen in depopulated prisons, as the sanguine expect: a true prison system involves advanced civilization, which always takes cognizance of crimes, and swells the criminal record. High civilization is found in crowded communities; and density of population increases the incitements to crime. I have not the figures at hand, but venture the opinion that those states where the intelligence and virtue of the people is confessedly greatest will be found to have the fullest prisons; so that, until we tide over into millennial society, a true prison system will not be useless, and we shall have plenty of work to do in this department.

It is true, nevertheless, that the reformation of prisoners during their imprisonment is indispensable to the preventive effect sought; for to return to society discharged prisoners unreformed is to poison it with the worst elements possible; and to retain them in prison indefinitely, while affording at the same time protection from their evil influence, would impose a burden impossible to be borne; therefore, the grand design, the all-animating purpose, may well be to accomplish this result, which is feasible in a large majority of the cases that would be under treatment by this system.

A fundamental condition of success in this respect is the financial independence of the organization and its institutions. This is not to be sneered at by those especially interested or occupied in religious ministrations, as is sometimes done. The importance of this feature

cannot well be made too prominent. It is too much to expect in our day that citizens generally will vote taxes upon themselves not only to provide suitable institutions for the reformatory treatment of criminals, but to support them in unproductive industry, and supply them with the indispensables of reformatory progress, viz.: good diet, good clothes, good quarters, entertaining educational agencies, and the pure personal friendship of a refined religious instructor. If these are supplied regularly to prisoners, it must come through their own exertions, and by levy of excise on the grosser appetites and propensities. The labor of the prisoners, together with income from taxes (for repression) upon traffic opposed to the public weal, must furnish funds for all this, when once the establishments have been erected; otherwise success is impossible for this or any system, designed for the curative treatment of criminals. Then, again, there is little hope of reformation for criminals generally, unless they can become self-sustaining through their own honest effort, and this power must be acquired, or shown, while under tutelage of these guardians. The habits of self-denial and productive personal exertion must be imparted, or degradation and disaster will surely follow their return to normal society. After medical treatment, the first step toward moral improvement is, in many, perhaps most cases, *industrial training.*

To train to productive industry those who are the victims of idleness, ignorance and criminal impulses involves *compulsion* as an element of discipline; and as the training is for their own improvement, not for any body's pecuniary benefit as its object, and since compulsion is necessary to hold them continuously in contact with the means of culture provided, its use is justifiable. In a favorable frame, one may elect to take the conditions and consequences of a course of moral training; still fluctuations of feeling, vagrant impulses, are liable and likely to get possession of the mind, and bear away the will into captivity to evil, unless at such times compulsion is applied. It is doubtless true that the reformation of a man cannot be compassed in opposition to his will; that is, when the will is arrayed in conscious opposition. Yet the process may go on unconsciously, and without his voluntary co-operation. It is not true, therefore, that any restraint, involuntary privation, or compulsory dictation subverts the desired result, as is sometimes claimed. It is impossible, in the nature of the case, that a reformatory prison shall accord with the desires of those

whose tastes and disposition it is designed to revolutionize and improve. An antagonism exists, of necessity, at the beginning; hence compulsion, at this stage, is indispensable. Harmony cannot be secured by modifying means and methods to meet the demands or desires of the prisoner, without destroying the good designed, but must be had by the conformation of their desires to their surroundings in these respects; and only thus. The administration of a prison system, then, should be characterized by inflexible purpose, based upon a firm foundation of principles. Indeed, every step toward *indulgence* is fraught with danger, and more likely to prove disastrous than the most tenacious adherence to routine.

The *employment* of prisoners should be at mechanical branches chiefly, because these place them in the most favorable situation in which to control the influences that reach them; because they afford better opportunity and involve greater necessity for exercising the will to hold the mind and muscles to careful, skillful toil, thus developing self-control; and because they are more productive in this country than agriculture, or employment upon public works, the crank or the treadmill. Whether they shall be employed with or without the intervention of contractors is an open question, and must be governed much by circumstances. I am opposed to the contract *system*, but there are times and circumstances when to contract the prisoners' labor is the best thing. If the manager of an establishment is all that is desired in other respects, but not adapted to manufacturing management; if the requisite capital be wanting; if the concern is so large as to overburden the warden with business cares, so that he has not time or strength for aught else; or if there is much liability of change from political or local reasons, it may be well to employ a portion only of the prisoners directly for the state, contracting the labor of the residue to good men, upon suitable terms and conditions.

The whole scope of the world's industry should be open for the employment of prisoners; no interference of trades' unions can be tolerated; the logic of the least dictation from them goes to locking up the prisoners in idleness; and there is no good ground for such interference on their part. The statistics heretofore adduced show eighty-two per cent of prisoners to have been laborers and servants, only eighteen per cent artisans from which it would seem that in proportion as laborers become mechanics and tradesmen, their liability

to commit crime is reduced; hence, the employment of prisoners at mechanical pursuits is a reformatory measure, and for the best interest of society at large. Shall the small per cent of artisans in society object, or seek to prevent this? It is unworthy of them, and, comprehensively viewed, not for their interest. Competition is most onerous to persons of least income or resources, and are not these the laborers and servants? Is it not true benevolence and sound policy to remove, if possible, competition from those least able to bear it to where it can better be borne? Are there demagogues or associations of men so selfish and so partisan, that they wish to oppress the poorest class in society? Will mechanics — men of a true manhood — follow their lead? Let this senseless cry against convict labor cease. The world is wide — there is room for all. Let the welfare of the whole supersede and extinguish the selfishness of the few.

The co-operative principle may be applied to the industries of a reformatory prison, where the sentences are upon the indeterminate plan — at least of such a one as the intermediate reformatory herein outlined. By this is meant that the prisoners may be interested in producing an income sufficient to defray all the expenses of the establishment by the privilege of sharing in any surplus gained, which I believe to be the best, if not only feasible general plan for giving prisoners a share of their earnings; though in a limited way, with selected prisoners, an ordinary system of overwork, well managed, may be beneficial.

Much is now said of the desirability of *classification*, by which prisoners of a certain moral grade may be congregated in one prison or apartment, and those of other types elsewhere; and the prison system proposed recognizes and adopts this principle. In actual administration, however, it is a very difficult thing to do; and there is danger of "drawing it too fine."

In prisons conducted on the best system that can be devised, graduate them as you will, there must always be a mixed company; no human wisdom can avoid it; the tares and the wheat must grow together until the harvest. Only the very worst element can be withdrawn from the industrial reformatory of this series; but a small number will remain at the place of reception; for the first few years at least but a small percentage can get into the intermediate institution; and it will be readily seen that such changes in individuals throughout the whole will occur — fluctuating like the

waves of the sea — that power to transfer at will is indispensable to the operations of the board and the management of the several establishments.

Were it possible to accomplish a perfect classification upon the basis of conduct, it would be of doubtful utility, for thereby the influence of the better prisoners over the worse would be lost; as also the stimulus to the former, and the best test of character, which is found in resisting evil and in triumphing over its influence; and the whole of both classes be deprived of that grand motor for self-improvement — a fair field for self-forgetful and self-sacrificing efforts for the elevation of others. The effect of classification is, in different relations, both favorable and unfavorable; the good are possibly made better by it; the bad are certainly made worse. Doubtless, it helps the officers to secure obedience to the rules, but this is not reliable evidence of reformation. The best behaved prisoner is often the worst citizen; men of whose reform there is absolutely no hope will, in many cases, grade out early by the best mark system that can be devised, if conduct in prison is the test; while some, whose reformation is already attained, cannot possibly keep a clean record. The true basis of classification for prisoners is *character*, not conduct. The criterion of character should be uniform throughout the whole system of institutions, and, therefore, should be applied in each case by the same officer or officers. Good conduct may be assumed, but good character *never;* men may feign insanity, and thus get into an asylum, but the insane rarely feign sanity sufficiently well to get out; nor is it easier to put on the semblance of virtue so perfectly as to deceive an experienced judge and sensible man. Reformatory results hinge upon financial independence, which is largely dependent upon the wise organization and application of the labor of prisoners; and it will be found, practically, that to classify as is generally supposed, would destroy or greatly impair the efficiency of the force for producing income, and thus work against the object sought, and neutralize any immediate result attained.

After withdrawing the very worst and best elements from an institution, as before suggested, the best classification, all things considered, is had, not by separation of classes into different apartments, there allowing unrestrained intercourse, but by such supervision of each aggregation in all the different apartments, during the hours of actual occupation, as shall prevent corrupting commu-

nications, permitting occasionally, and within due limits, such intercourse as is of good effect; and the public sentiment of a reformatory may be so favorable that quite general communication can safely be indulged at times.

In administering a prison system, or a system of prisons, the *intellectual education* of all classes must take more prominent place, and the education of adult prisoners must not be neglected. The conviction is gaining ground that christian character can be cultivated; that it can come *only thus;* that it is no moral *mirage*, to be made at will with human emotions, but a veritable quality of being, inbred and inwrought by christian culture; that criminals are capable of being changed for the better by this means; and that education, in its enlarged sense, is the true title for the process. The absence of ordinary information, indicated by the statistics before given, is enough of itself to drive these people to degrading occupations and amusements. Such absence of mental culture must leave them, as the same statistics show them to be, the blind servants of the animal instincts; and these are both favorable conditions for crime. The effect of education is reformatory, for it tends to dissipate poverty by imparting intelligence sufficient to conduct ordinary affairs, and puts into the mind, necessarily, habits of punctuality, method and perseverance. By education the whole man is toned up, and not only are the habits improved, but the quality of the mind itself; so that its strength and activity render possible nicely discriminating moral perceptions, whose tendency is to better impulses and acts. There is a difference in the characteristics of criminals answerable to this law of their development; there is a refinement of roguery with some, and a devilish way of doing things with others, that corresponds to the culture they have received. If culture, then, has a refining influence at all, it is only necessary to carry it far enough, in combination always with due religious agencies, to cultivate the criminal out of his criminality, and to constitute him (toward society) a reformed man. Education helps to secure admission to respectable society, without which permanent reformation cannot be accomplished, and at the same time it imparts an impulse in that direction; for the consciousness that our tastes are in harmony with any class, and that we are able to make ourselves agreeable to them, inclines us to their society. Education occupies the time and affords society in solitude, whose tendency otherwise is always

deteriorating. It adds firmness to the mind, thus fitting it for the crises of life, constituting fortitude the guard and support of the other virtues. The testimony of those who are making a quite thorough experiment in educating adult prisoners is entirely favorable to our view. It is stated that there is a desire to learn greater than in the common schools for children, and that better average progress is made; that the school exercises produce a marked change in the appearance of the prisoners — the gross, animal aspect departing, and the face and form robing themselves in the habiliments of manliness; also, that between forty and fifty per cent of the prisoners in the school are deeply interested in their personal religious relations, while only six per cent of the others manifest any special regard to the matter. The testimony of a reformed man is in point here. He says: "The darkness of my situation was dispelled; the dawn of better days arose; hope was enkindled when I became conscious of making real progress in primary studies; and as I continued to advance the school proved an additional stimulus, until my life of imprisonment became one of freedom. Though the body was immured, my mind flew to farthest regions and found fellowship with the world. Sometimes I seem to be entirely satisfied, and desire no other heaven than the new-found fountains of joy." *Let us educate.*

"The Importance and Power of Religious Forces in Prisons" forms the topic for a paper to be read before this congress, therefore I will not write upon it, except to state, viz.: Religion, as the term is properly understood, fills a place in, and is an indispensable element of, a reformatory system, but does not constitute the whole of it, as some would have us believe. It is possible for one to be a good citizen without being religious, and it may be possible for a criminal to live correctly without observing ordinary religious forms of worship; but it is not possible for radically wrong character to be renovated, renewed, rendered right without connecting the thoughts and the affections with God, the good Father of us all.

The religious faculties, however, are not always the first to feel the influence of christian culture, though they frequently present the first observable evidence of improvement. A *quadruped* can not respond to religious influences, nor can the human *biped*, until his intellect is stirred to see, and his affections trained to feel, the effect of self-sacrificing love; there is such a thing as "casting pearls before swine, giving that which is holy to the dogs." Chris-

tianity cares for the body, that temple of the soul, and it is a christian work to feed, clothe and refine it. Christianity cares for the mind, the *instrument* of the soul; to cultivate it is also christian. Christianity is more than a system of religion; it is before it, beneath it, above it; religion is included in it.

The ideal of a true prison system, in the great scope of its influence, in the spirit and principles upon which it is based, in its grand two-fold aim, in its plan of organization and legislation, and in the details of its administration, is the *christian ideal*, in all the breadth and blessedness of that term.

Let us, then, lend our influence and our aid to plant such a system, not only in one state, but in every state, and throughout the world, being assured that when we have found the "philosophy of the plan of salvation" for the feeble and fallen of our fellow-creatures, we shall have found God's plan for saving the race, and may feel the force of those Divine words, "Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."

V. The Irish System of Prison Discipline.

By the Rt. Hon. Sir Walter Crofton, C. B., England.

In obedience to a request made to me by the Honorable Secretary of the "New York Prison Association," I have the pleasure of transmitting to the national penitentiary and reformatory congress, held in Cincinnati, this my paper on what is familiarly known as "The Irish System of Prison Discipline." I must, at the same time, express my most sincere regret that I am unable to attend the congress, and thereby enjoy the privilege of taking part in the important discussions which must arise on papers so replete with interest as are those advertised in the programme.

THE IRISH SYSTEM OF PRISON DISCIPLINE.

Although this title has been selected for me, I feel that it but ill represents what it is desired to convey — in fact, without the explanation given in this paper, it would be calculated to induce erroneous conclusions.

With such a title, it might reasonably be assumed that in the Irish prisons would be found the system which I picture in force. It is not so. This system has been, in Ireland, confined to the convict establishments, *i. e.*, to those prisons in which criminals under sentences of penal servitude are confined.

The county and borough gaols of that country, I regret to state, still remain, for the greater part, unreformed, and present a state of things which it is most unsatisfactory to contemplate, but which cannot much longer be allowed by the government to continue.

Having made this explanation, I may remind those who have for many years taken an interest in the treatment of criminals that what is popularly known as the "Irish system" was first commenced in the convict prisons of Ireland in the year 1854. A system of classification was introduced, which made the improvement of a prisoner's position in gaol, and his liberation on license, within the period of his sentence, to depend upon his own exertions and well doing. In order to more accurately measure and test these exertions, and, above all, the better to realize to the minds of the prisoners the advantage of well doing, and their progress in self-government, a scale of "marks" was introduced, which governed the classification, and gave to it a reality in the

eyes of both officers and prisoners, which those not conversant with the system in its operation can scarcely appreciate.

Many years have passed away since the introduction of that system into Ireland; and it is now very difficult to realize the scepticism which prevailed, and the vigorous opposition to it which at that time existed.

Shortly afterward, the convicts in Western Australia were placed upon the same system, as regards "marks," which were also tried with success in several reformatory schools.

In 1863 a royal commission reported upon the convict systems of the United Kingdom, and, among other improvements, urged the immediate application of the "mark" system to the English convict prisons. In the same year, a committee of the house of lords, presided over by the earl of Carnarvon, reported with reference to the prison discipline carried out in the English county and borough gaols, and recommended the introduction of the "mark system" into these institutions also.

The government had the power to carry out the mark system in the convict establishments, and it did so immediately. It had not the power to do so in the county and borough gaols, which are more immediately under the control of the magistracy; but the recommendations of the committee were followed in several very important gaols, such as Liverpool borough gaol, Taunton, Gloucester, Winchester, Devizes and Salisbury. Both in the convict establishments and in the gaols above mentioned, the system, after several years experience, has been found most valuable.

It is well known that the classification in force in prisons, which is regulated by "marks," is progressive, and that the attainment of a certain number causes advancement from a lower to a higher class; also, that there are increased advantages attached to each advance from one class to another. These may be briefly described as the removal of restraints, the modification of irksome labor, the increase of gratuity, the discharge on license of penal servitude convicts, etc.

It will be observed that by this system of measuring the industry and improvement of the criminal, and crediting him with an intelligible value for it, he becomes, within certain limits, the arbiter of his own fate, and is induced to co-operate with those placed over him in their efforts for his improvement.

To those who have not narrowly studied the effect produced by

this system, its full value can scarcely be realized. The vitality and interest which are thus given to an otherwise dull prison routine, and the association of industry, so long loathed, with profit and pleasure in the minds of the criminals, tend to the formation of habits and feelings which very materially promote amendment.

It is not necessary to be bound to follow any particular system of marks. I prefer a very simple plan of daily marks to any other; it should be of such a nature as to be thoroughly intelligible to both officers and prisoners, or it will fail to attain the object. Those conversant with the Irish convict system are aware that, after the filtering and drilling process consequent upon the adoption of the "mark" system, there is a further stage of treatment almost approaching to a state of freedom, called the "intermediate stage." This stage was adopted not only for the purpose of more naturally preparing the criminal for free life, and of evincing to him that the prison authorities were so satisfied with his previous tests of amendment as to further trust him; but also to better pave the way for his employment in the labor market through the nature of his tests.

It is now fourteen years since this stage was added to the Irish convict system, and it is indisputable that the greatest success has attended its introduction. It has been the means of securing the objects contemplated to their fullest extent, and has abundantly refuted the objections made to it many years since, through the tests to which it has been subjected by the changing laws and practices with regard to convicts.

It was once stated that, although the system might work satisfactorily under the strong motive power of earlier release on tickets of license, the result would be failure if this were taken away. It so happened that by a change of practice, shortly after the adoption of this system, the power of earlier release was withdrawn; and however good might be the conduct of prisoners, they were obliged to be detained until the end of their sentences. It was considered by many persons that this would infallibly break down the intermediate system; but was it so? On the contrary, no difference was experienced in the conduct of prisoners so circumstanced — *i. e.*, under sentences of penal servitude — from others under sentences of transportation, who were working side by side with them under the strong motive power of earlier liberty. It is important to note this fact, for to my mind it is the most

satisfactory evidence which can be adduced of the genuineness of the system.

Subsequent legislation, under the act of 1857, altered this state of things, and again restored the power of earlier liberation on license; but I shall ever look back with satisfaction at the opportunity which was afforded for several years of testing the value of individual and natural training under the most trying circumstances.

Many very able and experienced gentlemen from America, and from other countries, have witnessed the state of semi-freedom in which the convicts live at Lusk, near Dublin, and the simple and inexpensive way in which they are located. The establishment has been much written about and discussed, and I need not, therefore, enter into any detailed explanation with regard to it. It is, I believe, evident to all that the objects required have been attained, and that, by the extension of prison classification in this direction, it is possible for any state to more conveniently and beneficially utilize the labor of a proportion of its criminals.

I cannot discuss the advantages of intermediate training without calling special attention to the very useful and arduous work performed by the late Mr. Organ. No person can have had an equal opportunity with myself of noticing his extreme earnestness and devotion to the cause; his health may be considered to have entirely broken down through the excess of his labor, and the constant anxieties attending his vocation.

Prisoners, and the public also, have cause to be thankful that one with such a special genius for the work was raised up at a critical time to illustrate what could be done to reconcile the employer of labor to the well-trained and tested criminal.

I have not, as yet, mentioned that "marks," in a similar manner, govern the classification of female convicts, and lead, as in the case of males, to an "intermediate stage" in certain "refuges," which are approved by the government, and officially inspected from time to time.

The women are sent on license to them, and their licenses ultimately extended to actual free life.

This intermediate stage for women, which has been in operation in Ireland for fourteen years, has been adopted in England for the last five years. The Protestant establishment is under my personal management at Winchester. The Roman Catholic refuge is at

Hammersmith near London. It will be seen that I have had considerable experience in both countries with regard to this special training of female convicts, and I have no hesitation in testifying most unreservedly to its very high value.

We have not rested satisfied with the mere conduct in the refuges, for the beneficial influence of the training upon the character of the women has been subsequently tested by personal visits in different parts of the country.

We are not to assume that this remedy of an "intermediate stage" is so infallible that it will produce the reformation of all subjected to this special mode of treatment; but it is undeniable that the great majority, notwithstanding their long career of crime, have become industrious and honest citizens. We cannot expect more; it is well to have attained so much.

Although forming no part of prison training, I must not leave the subject of the treatment of prisoners sentenced to penal servitude, without stating that in Ireland this class of prisoners were, from the first of January, 1857, placed under the supervision of the police during the periods of their being on "tickets of license."

In 1864, this practice was extended to England, with the best results both to the public and the criminals. After considerable experience in both Ireland and England, it cannot be doubted that the procedure is one well calculated to repress crime, without injuriously affecting the beneficial interests of the criminal.

So advantageous has the course been found, that during the last year the "habitual criminals act" was passed by the legislature, placing all offenders so defined under the supervision of the police. Now it is quite possible that in some countries difficulties may exist with regard to supervision which are not found here; or it may be that there may not be the same class of criminals as in this country, *i. e.*, a distinct class of persons living at war with society, and upon the industry of others; yet, bearing in my mind the opposition which was at first made in England to the institution of police supervision, I cannot fail to believe that many apprehended difficulties would be found on the surface only.

One thing is certain: that the real test of the value of prison training is only to be shown by the subsequent career of the liberated; and it is difficult to ascertain this on a large scale, excepting through police agency.

However, the first step in any country is to improve its prison

training until it accords with principles now very generally admitted to be sound. Time will, on such a basis, bring to light the supplementary measures which are further needed to repress crime. This brings me, in conclusion, to the point whether the prison training of the United Kingdom is, generally speaking, in a satisfactory state. I regret to state that I cannot think so.

We have had very valuable reports from commissions and committees which have, in some places, borne good and valuable fruit. We have improved our criminal legislation; and if we very generally followed the theories which have been sketched for us by committees and by statutes, we should, I think, by this time have been enabled to demonstrate, throughout the country, a very good and efficient system of prison discipline. But it is far otherwise. There is a want of uniformity in our treatment of prisoners which is fatal to the repression of crime. In one gaol may be found nearly all that can be desired — a system commencing with strictly penal labor, graduated to industrial employments through the action of the criminal himself, and a "discharged prisoners' aid society," in connection with the gaol, which furthers the interests of the well-intentioned. In another gaol will be found strictly penal labor, carried out during the whole sentence, and an absence of all motive power to improvement.

At the same time, we have of late years undoubtedly improved in our treatment of criminals, and I cannot believe that the state of things just described will be much longer permitted to continue. The remedy is clear, viz., more central action in order to promote uniformity. The 41st article in the programme of your meeting very lucidly calls attention to the importance of this point. It is essential to the true development of sound principles. I entirely concur with the opinion expressed in the article, "that no prison system can be successful to the most desirable extent without some central or supreme authority to sit at the helm, guiding, controlling, unifying and vitalizing the whole."

It is justly observed that the committee of 1850 on prison discipline strongly urged the institution of some central authority. The committee of 1863 also pointed out the evils which resulted from the present inadequate inspection, and the isolated and separate action of the inspectors.

The 41st article so thoroughly shows the good results which would accrue both in America and in England through the insti-

tution of a central board, that I need not further comment on the subject beyond expressing my conviction that it is the absence of such central authority which has been the principal cause of our very serious shortcomings.

I now desire to invite attention to the fourth article in your programme, which embraces the whole scheme of prison treatment.*

There is one point concerning which, in several quarters, there appears to me to be some misapprehension. I refer to the first, or penal stage. I believe that some persons feel disposed to excise this stage, being under the impression that the employments and circumstances which render the stage penal are of a character to degrade the criminal. Now, I desire to be very explicit upon this point, which I deem of essential importance. I have minutely watched the effect of imprisonment, with and without this stage, upon individuals for many years. Without the penal stage, *i. e.*, by at once placing the prisoner at ordinary industrial work, he has failed to appreciate industry as a privilege, and the incentive to exertion has been sacrificed. It was from observing the failure of such a system in Ireland, that I determined to commence with a penal stage, embracing stricter isolation, and employment at labor of a penal character, which could not be associated, either in the minds of the prisoners or *the public* (this has its value), with the *ordinary industrial avocations of free life. These* were ranged in the second stage, as prizes to be attained by the self-discipline and exertion of the prisoner, and graduated into different classes, presenting a reasonable and substantial motive to improvement.

I have observed very many cases of prisoners upon whom the system, with the penal stage eliminated, has entirely failed, and on their re-conviction I have subjected them to what I hold to be a true system of discipline, with the best results.

There will of course be different opinions as to the labor which should be given in the first or penal stage. With long sentences, as there is more time to develop the motive power to improvement,

*It is to the fourth article, as numbered in the "Programme," printed in advance of the congress, and not to the "Declaration of Principles" adopted by the body, that Sir Walter refers. In the latter of these papers the article is No. 3, and the principle embodied in it is enunciated in a greatly abridged form. Both papers, however, will be found printed further on, in this volume; and to know precisely the text on which Sir Walter is here commenting, the reader must turn to No. 4 in the "Programme." — COMMITTEE ON PUBLICATION.

I have found it better, in this stage, to rely on strict separation, with task work at oakum or wool picking.

With short sentences in county and borough gaols, I believe that the penal labor of the first stage can be best carried out, in *strict separation*, by grinding flour, or pumping water, or breaking stones, by means of the wheel or other grinding and crushing machines, without calling forth in any degree the slightest feeling of degradation on the part of the prisoners.

If the whole scheme of treatment is properly explained to a prisoner on his first entrance to the prison — and it is of essential importance that this explanation should be made — and his mind be made to grasp the succeeding stages at the same time as the *first*, it would be impossible for a feeling of degradation to co-exist with a clear apprehension of the system. The prisoner will feel that the commission of crime very rightly brings suffering in its train, and that, for the sake of society, for example to others, and for his own amendment, he should bow to the penalty. But he will at the same time feel that the whole scope of the prison system is *to further his amendment*, and *if it is properly administered*, he will, day by day, more vividly realize the active co-operation which should exist between himself and those placed over him.

I believe the opinion which prevails in some quarters that there is an unnecessary degradation in strictly penal labor arises from the practice in some gaols of confining the labor of the whole sentence to it, even when the periods admit of a modification.

Nothing, in my opinion, can be worse, more degrading to the criminal, or more calculated to arouse vindictive feeling and defeat the object of punishment, than such a course; but I am bound to draw a very distinct and intelligible line between penal labor so administered, and its introduction in the early part of a system which, at the commencement, is realized by the criminal in its entirety.

This very serious want of uniformity of treatment would be remedied by the adoption of the 41st article in your programme.

We hear much at the present time of self-supporting gaols, which are too frequently assumed to be infallible tests of a good prison system. Whenever I have had an opportunity, I have considered it my duty to protest against this erroneous doctrine, and to point out that it is quite possible for a gaol to be self-supporting, and yet for a

very bad system to prevail in it. A staff which is ill paid and numerically low, and the absence of other arrangements in a prison which, although costly, are necessary to a good system of prison discipline, would conduce to make a gaol self-supporting. It is notorious that the hulks in this country and some of the worst gaols were almost self-supporting, productive labor being stimulated by bribery in the form of spirits, etc. I entirely concur upon this point with the opinions expressed by Drs. Wines and Dwight in their very able report on the prisons of the United States and Canada in 1867, and with Howard when he says: "That earnings constitute, in my opinion, but a secondary consideration; for surely it is impossible to place any degree of profit in competition with the minds of our fellow creatures."

It appears to me that the *first* and most important principle to establish is a "*prison system*," such as is described in the 4th article of your programme. It is *then* of essential importance that "productive labor" should receive due consideration, and that every legitimate and wholesome stimulus should be employed to promote it.

VI. The Proper Purpose of Prison Discipline.

By Sir John Bowring, England.

The topic of reform in prison discipline may be resolved into three inquiries: What has been done? What ought to be done? What can we do? The recorded facts of the past will afford the best materials for the regulation of the future. The study of sound principles, aided by these ascertained facts, will help us in our researches; and, bearing constantly in mind that to do what we can — and all that we can — is to discharge our highest duty — we shall recognize the objects to be constantly kept in view throughout our investigations.

The power of law must necessarily be despotic, in order to be effective — its action arbitrary, so as to subdue opposition. The business of the legislator is to provide against infraction of the law. In proportion to the security given to the public interest, is the value of the law. The general interests are represented by wise legislation, whose proper work is to suppress the hostile interests of crime. To protect persons and property is the always announced purpose of that legislation; but property has no value, and can have no representative, except as associated with persons. The law has really nothing to do with abstractions. It is only because property effects the welfare of human beings, that its possession is deemed to be a good — that its loss is considered an evil — that it is made a fit object for the action of the lawgiver. And the lawgiver has only two instruments with which he can deal: pain, which he seeks to associate with the infraction of the law; pleasure, which he desires to make coincident with the observance of the law. Penalty, to follow misdoing — recompense, to be connected with well-doing: these represent the broad outlines which mark the conditions of a sound philosophy in legislation; these are the cardinal points of which the legislator should never lose sight.

Of social questions, it may truly be observed that the treatment of crimes and of criminals is one of paramount importance — indeed, that there is none in which society has so large a concern. It prominently belongs to our religious duties; it concerns our political, our domestic, our individual relations. It not only

involves the application of the principle as to how the greatest happiness of the greatest number can be provided for, but how unhappiness in all its shapes and consequences can be minimized or removed. In a word, it is an all-important, all-embracing topic, for, without any exception, it concerns all.

Man's nature? In that question is involved all with which legislation can have to do. What, then, are the qualities common to every human being? What are those by which one human being is distinguished from every other? The lawgiver cannot provide for individual idiosyncracies: he must generalize: the judge and the jury must apply the common law to the particular case. Yet the judge and the jury can have only information from the facts which evidence brings to bear on the matter submitted to them.

It is when the sentence is pronounced, and the guilty one is handed over to pay the penalty of his offence, that his special character ought to be thoroughly explored. And in this respect prison discipline is sadly deficient. Convicts are for the most part indiscriminately dealt with — one regimen for all. Imperfect classification from the imperfect construction of prisons, and from indifference or inaptitude in visiting magistrates and prison governors — inadequate appliances for the development of the germs of good, and for the extinction of the seeds of evil.

How far the moral sense, without the individual interest — how far individual interest, without the moral sense — may be looked to for the promotion of virtue and the repression of vice, this is not the place to inquire. But, as the moral sense exists very differently in different minds, the lawgiver can raise upon its foundations no code of laws, nor make, beyond very narrow bounds, its weakness or its power an element in his action. His own moral sense will no doubt influence the views he takes as to rewards or penalties; and his appropriate distribution of rewards or penalties may act upon the moral sense of others; but this action or influence is but secondary and indirect.

It would be a pleasing though very elaborate task to trace the progress of punishment as the result of crime, from the rude revenge of the savage to the wisest application of penalties as represented by the best codes of civilized nations and the most appropriate and efficient machinery which the intelligence of man has hitherto provided for the reformation of the guilty, the diminution of guilt, and the security of society in the two great and

generally established divisions of persons and property. But except for the purpose of instruction, enabling us to avail ourselves of the benefits of experience, whether for the avoidance of error or the extension of sound principles, it concerns us much less to inquire what has been, than to provide what ought to be. What has been has been — *gegangen est gegangen* — has passed into an aphorism among Teutonic nations. As regards the study of the Roman law, instructive as it is, little remains to be added to the researches of German jurisconsults. The dedication of learned men to those researches was one of the advantages of a fettered press and of the determination of despotic government to suppress discussions, the object of which was to amend the laws and reform the constitutions that, under autocratic or monarchical influence, had so long existed. It was not without benefit that those master minds, who were not allowed to speculate on the present or the future, had all their energies directed to the investigation of the remote histories of foreign lands. Their labors have assuredly not been in vain: they all tended to the formation of a public opinion, which became omnipotent, not only by the aid of the force of reason, but, in progress of time, allied to the reason of force. A new impulse has been given to inquiry; and it may be hoped that, as the rights of nations have been more clearly recognized at home, a brotherly, an international spirit may spread throughout the world, and wars, with all their cost and curses, belong only to the records of semi-barbarous times; while peace, free commerce and popular freedom become the foundations of a felicity spreading more widely, penetrating more deeply, from generation to generation.

When motives are equally balanced, or the mind is in a state of indifference, no action can take place, because there is no motive power. In such a state of things a very slight influence *pro or con* may determine an action as decidedly as when more potent influences are at work. "To be or not to be," to do or not to do, may depend alike on very great or very small considerations. It is the business of wise legislation to maximize the motives to good, to minimize the motives to evil; to supply any deficiencies or weaknesses in the moral sense by sanctions, encouragements or deterrents, as the case may be. All law should interest the community, interest every individual in the community, in abstaining from what is mischievous, and encouraging what is beneficial to the common weal. Wherever indifference

exists, the external motive power, impulsive or restrictive, should be employed, its influences should be strengthened according to the exigencies of the case. The stronger the motives to crime, the stronger must be the controlling power; the weaker the motives to abstinence, the stronger should be the auxiliaries of the law.

It may appear almost superfluous to say, that the wider the field of observation, the more valuable, powerful and instructive ought to be the results. From the town to the province, from the province to the nation, from the nation to the whole community of mankind, the inquiry may be extended. It is well to get out of the groove of our own popular habits and prejudices, and to explore what experience has taught to other peoples in their area of action. What is true of the individual that

> "Unless above himself he can
> Erect himself, how poor a thing is man!"

is equally true of states and kingdoms and empires. As no individual can stand alone, so neither can individual families nor individual nations. Happily, we are each made more dependent upon others than upon ourselves. On others we must rely for our comforts and even for our support; to others we must look for our influence and for our information. Nothing is more hopeless than the solitary man. All that has been done by our race has been done by association, and the more we learn, the better we are able to instruct.

Why should not the United States of America and Great Britain give the first example of such unity of purpose in the widest field of beneficent action? They speak the same language — the language most widely diffused over the world, studied, if not spoken, in every land where civilization has made its way. The great empires of the Southern as of the Western Hemisphere will work to

> "the tongue
> Which Shakespeare spoke,"

as surpassing all other tongues in its various beauties, its innate strength, its copiousness, its simplicity, its plastic powers and its constant aggregation of riches.

Looking to the highest interest of our race, an all-important step toward the realization of our dreams of peace, the production of an international code is earnestly to be prayed for. The spirit of the times seems to teach that the interests of separate peoples are not inimical to the interests of the whole, but rather that each

interest, well understood, would advance other interests and help to combine the common interests with bonds not easily broken. And, as an advance toward so noble an end, may it not be hoped that the criminal codes of nations may be assimilated one to another, which assimilation would be promoted and hastened by the revision of each and all. For example, might not the manner of inflicting the punishment of death be made uniform; or, still better, death punishments be abrogated and abolished altogether?

The process of legislation, as before remarked, may be thus shortly described: The lawgiver generalizes, the magistrate particularizes. The one lays down a common principle, the other applies it to special cases; the first deals with masses of crime and with masses of criminals, the second with individual crime and individual criminals. If speculative philosophers establish a law, the practical workman applies it. Out of the materials which the records of the judge and the magistrates provide for the lawgiver, and which are made up of personalities or individualities — that is, of isolated facts — the general law is enacted and promulgated, to be again unraveled and applied to the cases which are to be adjudicated.

And what is true as regards legislative and administrative action in its widest field, is specially so in what regards its influence on crime and criminals. Crime is the great social disease; criminals the diseased objects to be dealt with. The one represents the malady to be cured; the other the sick who are to be made whole. What a hospital is to an intelligent physician, a prison should become to the thoughtful magistrate. The responsibilities of each bear a striking analogy to the other. Each has sometimes to deal with cases utterly hopeless; but to mimimize their number ought to be the function of both. In the range of misdoing and in the personal character of misdoers, there will be as many varieties as the medical attendant finds in the maladies and in the persons of his patients. There will be in the infirmary and in the jail general regulations, but they will depend for their efficiency on their application to each special case; and here it is that the deficiencies of our system of prison discipline are often most apparent. The difficulty is to accommodate the general law to the particular necessities of every individual case; and this requires aptitudes, both intellectual and moral, which too often will be sought for in vain. Many a man who is quite equal to keep the prison in good

order — sound and clean — is incompetent to deal with the disorders and diseases which are the sources and the consequences of crime, for the alleviation and the cure of which the sufferers are delivered over to the despotism of the law.

Happy it is when judicious legislation is prompted and aided by the co-operating influence of public opinion; but these united powers can do no more than to create and to present motives which shall attach to abstinence from crime immunity from punishment or recompense in some shape or other, and to the practice of crime inconveniences or penalties appropriate to the character of the crime and the condition of the criminal. Into the secret motives which prompt misdeeds, the lawgiver in most cases has no power to penetrate. The law does not judge a motive but an act, and from the act it simply predicates a motive. With evil purposes, until exhibited in the shape of evil deeds, law has no concern, and of them it can take no cognizance; nor will any honesty, or even virtuous purposes, meet with acceptance as an excuse for a dishonest or vicious act. Pious frauds now form no chapter in the volume of justifiable doings.

To say that laws are not, in any part of the world, altogether what they ought to be, and that they are susceptible of much improvement, is merely to recognize the fact that lawgivers and law administrators do not possess in perfection the recommendatory qualities which may belong to them hereafter, and which will then be exhibited in their works to come. That education, habit, prejudices, religious and social, and personal peculiarities have their influence, more or less pernicious, cannot be denied, and ought not to be a subject for wonder; but that in the highest regions of judicature, our judges are beyond even a suspicion of corruption may be safely affirmed; and it is quite certain that they represent the noblest acquirements in their professional field; that their probity is stainless; and, moreover, that they deservedly enjoy the confidence of those whose opinion is unimpeachable.

The unpaid justices of England are the frequent subject of eulogiums, but these eulogiums generally proceed from themselves. Tested by any of the requirements for the best constitution of an efficient magistracy, they will be found sadly wanting. They are appointed by the favor of the lords lieutenant, who are rather the representatives of the highest rank than of the highest intelligence. These appointments are made generally without other recom-

mendation than that of position and property. They almost invariably belong to the titled or the local aristocracy, to the possessors of extensive estates, or to those who have acquired large fortunes in business. Holding their office for life, and responsible only to the feeble control of public opinion, their knowledge of law is for the most part confined to the study of Burns' Justice of the Peace, and their principal guides are the clerks to the justices, officers appointed by themselves, who are almost invariably practising attorneys, having clients and interests of their own. "Justice's justice" has become almost a household word of criticising commentary upon their proceedings. The recommendations to the important functions they discharge ought to be aptitude, active, moral and intellectual. As to their activity, very many of them are never seen on the bench; it suffices that they are able to affix J.P., and still more, if D. L. (deputy lieutenant), to their names. Their morality is, perhaps, above the average character, but the example of gross immorality has not been held to disqualify them. The same may be said of their intellectual qualities; they have the usual breeding of country gentlemen, far beneath the standard of the higher order of citizens in our large towns. Politicians they commonly are, as a matter of course; indeed, they furnish our political leaders; and candidates for county representation are almost invariably sought among them. In our cities, paid magistrates are now being gradually introduced, and the intelligent administration of the law is undoubtedly safer in their hands.

As regards religious opinion, the selection of unpaid justices of the peace is necessarily partial. The number of magistrates who do not belong to the Anglican church is very small — the proportion of Anglican clergy very large. I do not remember an instance of a dissenting preacher being made a justice; and there is a district in my neighborhood where none but country clergymen are justices.

It is not in human nature that a parish clergyman should not sympathise more thoroughly with his own congregation than with the attendants upon a rival preacher. Moreover, the alliance between the minister and his patronizing squire is usually very intimate. They are, in fact, the great personages of the locality; they are generally very keen in the pursuit, and very severe in the punishment, of poachers — and, naturally, often imperceptibly to themselves, are influenced by their own interests and their own

proclivities. Many functions are committed to them, such as granting licenses to public houses, appointment of the clerks of petty sessions, which would be better in the hands of authorities independent of local influence. It would, perhaps, appear, on a thorough examination, that *unpaid* magistrates cost on the whole, every thing considered, more than do the *paid* magistrates, who are selected by the superior authorities; and most assuredly as a body — being lawyers by profession — they are better administrators of the law.

The payment of clerks and justices by fees, instead of salary, is an abuse which requires regulation; indeed, the cost of the administration of justice, and of pursuing and convicting, as well as of punishing criminals after conviction, though closely connected with the whole of our prison system, needs great reforms, but cannot here be properly discussed.

Transportation to remote regions was formerly deemed an easy and effectual, though not an economical means, for getting rid of the worst portion of our criminal population. In his "Panopticon versus New South Wales," Bentham has exhibited in a most masterly argument, and supported his reasoning by Botany Bay statistics, the mischief associated with this particular system of punishment. However great the hardships of exile, their remoteness and uncertainty have in themselves a certain attraction even for the criminal, and the influences of hope serve to counterbalance the apprehensions of fear, so that, as a deterrent from crime, transportation is singularly inefficient. Reformation is seldom the result, for the general profligacy of the convicts and the inability of the authorities to control it, are evidenced by irresistible facts. The injured party derives no benefit from the labor or gains of the most prosperous of the banished. The cost of transport and maintenance is enormous; the amount of suffering and punishment, uncontrolled and unascertainable, is accidental and uncertain. In the foundation of a colonial establishment the criminal element is deeply and widely mischievous; it becomes like an hereditary disease, not to be eradicated for generations. As the British colonies grew strong, they absolutely refused to allow their soil to be contaminated by the pestiferous common sewage of the mother country. When I was governor of Hong Kong, and the prisons were overflowing with criminals of the west, I found it quite

impossible to obtain from other governors permission to transfer this foul plague to their guardianship.

But prison discipline might be turned to account by the transportation of the better class of criminals to remote colonies — not as a punishment, but as a reward — not to be the curse of the localities to which they are sent, but to be a benefit and a blessing. Selected persons might be educated for their future career and taught the trade most wanted in new communities. Many of these are reformed, but ashamed to show themselves in the former haunts, where they would be scorned and avoided by their ancient but honest friends, and left to the seductions of their professed friends but real enemies — many who would be happy to enter upon a virtuous career, and to obtain abroad a good reputation, instead of the evil reputation which had placed them under the social ban at home. I have seen accounts of men who, successful at the antipodes, had blessed the chastening instructions, the instructive chastenings, they have found in the experience of a jail. The very men who had been a nuisance in the neighborhood of their birth might in new fields become philanthropists and benefactors, having adopted another name with the adoption of virtuous habits. The richest and most health-giving grapes are the descendants of a poisonous, wild ancestry, under the influence of auspicious culture, and so may the child of crime be trained to the manhood of virtue.

When we see how our prisons are scattered about, how differently managed, how expensively some, how imperfectly others, how some have too many, some too few, officers, how injudicious the distribution of labor, how many instruments of production turned to small account, how little the various aptitudes of the prisoners are developed, the question at once occurs — Have we not too many prisons? Would not their efficiency be increased if their number were diminished? Could they not be governed more economically, both as regards the cost of the inmates and the officers? Would it not be well that the labor of the prisoners should have some connection with the locality of the prisons and with the habits and education of those who are confined within them? If, for example, hundreds or thousands were taught to make clothes or shoes, might they not serve for the use of the army, the navy, or other functionaries provided for by the state? In Belgium the troops are uniformed by the work of the convicts. In every department of production the larger number of competitors would

allow the best choice for instructors: the mechanical arts as applied to various industries — the sewing machine, for example, for boot and shoemaking, would give to labor its highest value. In districts purely agricultural, the husbandman might be turned to the best account. In manufacturing provinces, the spindle and the loom, and even the decorative arts, should all be made co-operative to the great end — instruction, improvement, reformation — superordinate, indeed, to pecuniary profits, though these have been too little kept in view.

As the model of a prison, Bentham's panopticon has scarcely been improved. The very name carries with it the idea of what a prison ought to be. Omnipresence within its walls, radiating from a central point, and from thence every arrangement through the various radii to the general circumference co-operate to the ends proposed. The overseer of all so placed as to be overlooked by nobody. The panopticon was happily compared to a spider's web, in the centre of which the spider occupies the position of inspector-general. Bentham prefaces his work by stating that, by a simple idea of architecture, "morals may be reformed, health preserved, industry invigorated, public burdens lightened, economy seated, as it were, upon a sack, the Gordian knot of the poor laws not cut, but untied."

It would require a volume to enter upon all the details which are to be found in Bentham's project, not only for the architecture of the buildings and the government of the inmates, but the best modes of warming, watering, ventilating, and providing security against escape. Food, clothing, sanitary regulations, employment, instruction, amusement, chapel and infirmary arrangements — nothing seems to have escaped Bentham's all-penetrating, all-discerning, all-presiding eye. He himself, indeed, was an intellectual panopticon.

It was suggested by Bentham, with a view to the proper discipline, that in the panopticon there should be eight divisions. WOMEN: 1. Daring law offenders; 2. quiet law offenders; 3. decent females; 4. dissolute females. MEN: 5. daring old offenders; 6. quiet old offenders; 7. thorough-bred house-breakers; 8. miscellaneous. The building for 1,000 prisoners consisted of six stories. The bill intended to legalize the establishment consisted of sixty-six sections, which provided for all the details of management, both for the personal and material, and was intended

to apply not only to the metropolitan, but to all the prisons of the kingdom. The site of a prison should be healthy, water easily accessible, not within, but near, a town. Howard's recommendations are in these particulars judiciously adopted. The apartments to be provided are convict cells; store and warehouses; infirmary, with adjacent yard; separate cells for punishment; a chapel; a cemetery; officers' apartments. The officers to be two visitors; one governor; one chaplain; one medical man; one storekeeper; one taskmaster; one jailor, and an adequate number of turnkeys. The salary of the governor to depend in part always, wholly if possible, on the profits of prison labor, a minimum to be secured. The mode of account-keeping is prescribed, both as regards materials and money, and securities provided for the safety and accuracy of both. Arrangements are made for the employment of prisoners outside the walls.

The hard labor bill of 1778, by which the act 16 George III, s. 43, stands repealed, provides arrangements for the classification of labor, the most laborious and the less laborious employments — health, age and sex to be taken into consideration. Of the hardest and most servile kind it proposes: Treadmill; capstan; hemp-beating; rag-chopping; logwood-rasping; timber-sawing; working at forges; smelting. Of the less laborious: Rope-making; sack-weaving; yarn-spinning; net-knitting. For the lodgings: Males invariably separated from females; every one a separate sleeping cell. Employment apart, when possible; if two work together, the room of suitable dimensions. No two persons allowed together, except during working hours; nor must two work together for more than three consecutive days. If many are employed together, an official is always to be present. Instructions in case of need to be provided. All windows to be six feet from the floor. Regulations for diet, times for meals, holidays, etc., are introduced. The act sets forth the functions of the different officials; fines and punishments for neglect; arrangements for religious instruction; sanitary regulations; police within the prison; orders as to statistical returns. Most of these enactments are now in force, but very imperfectly carried out. The last legislation on the subject of prisons is the act Victoria, 1865.*

* As this act was passed under the immediate influence and advice of Sir Walter Crofton, it is only fair that he should be allowed to express an opinion as to its merits. He says:

A more unwarrantable breach of faith than that of which government of George III was guilty toward Jeremy Benth in the case of the panopticon, is not recorded in our histori annals. The act of parliament of the 52 George III, 144, is e tled "an act for the confinement of prisoners within the city London, and county of Middlesex, and for making compensat

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"I consider that the prisons act of 1865, and the explanatory home office circu of the 9th December, 1865, and of 23d March, 1866, indicate a system of pri discipline which, while it secures the punishment of the criminal, is at the s time calculated to enlist his co-operation in his own amendment.

"The distinction drawn in the nineteenth section of the prisons act, between h labor of the first class and hard labor of the second class, points out the prog sive improvement in the position of the prisoner, which it is competent for justices to institute, and thereby to create a motive power to exertion and indu on his part, which is of great value.

"In several of the large, as well of the minor jails, the introduction of a sys of classification, based upon the power thus obtained, has proved a strong stim to industry and good conduct.

"With regard to labor, it is obvious that what has proved profitable in large j need not necessarily be so in jails which have comparatively few inmates.

"In the smaller prisons, consistently with a due regard to discipline, now insi on by statute, it will be more difficult to make any branch of trade profita Mat-making on frames, which is hard labor of the second class, appears to req less instruction than other trades. I have generally observed that in small j one of the discipline officers has a sufficient knowledge of this trade to super a small class, and thereby save the expense of a trade instructor.

"In some of the large jails, which carry on manufactures on an extensive sc hard labor of the first class is thus subdivided:

"1st period. Tread-mill or crank — power utilized.

"2d period. Weaving matting with heavy looms.

"If the prisoner is industrious, he is at a certain hour, depending on his cond transferred to hard labor of the second class, *i. e.*, mat making and other tra In the smaller jails the same principle is carried out, but there is of course the same development of trade.

"In both cases the time not occupied on the tread-mill or crank (for, by sta it is only imperative that prisoners sentenced to hard labor, and fit to underg should work at hard labor, first class, for eight hours daily during the first th months of their sentences), is generally employed at oakum picking by task; instance, if a prisoner is six hours on the tread-mill, he would have a tas oakum to pick adequate to the remaining four hours' labor of the day.

"It is by the performance of this daily task that the prisoner's industry in early date of his detention is tested and recorded, and his promotion to a hig class, in which his labor would be less severe and of a more industrial charac is regulated."

My own observation of the operation of the act leads me to conclude th is unnecessarily harsh in its operations, and does not give to productive l a sufficient encouragement.

to Jeremy Bentham, Esq., for the non-performance of an agreement between the said Jeremy Bentham and the lords commissioners of his majesty's treasury, respecting the custody and maintenance of criminals." It was the obstinate, invincible hatred which the king bore to the name, and his detestation of the writings of the prison reformer, that insisted upon the non-performance of the contract signed by the official ministers, and cost the nation £23,000 for compensation to the injured contractor. It was in 1794 that the arrangement for the erection was made with the treaty. It was nineteen years afterward, the time having been passed in subterfuges and wranglings, representations, remonstrances made in vain, that the penalty was paid out of the public purse. It would not be easy to estimate the pecuniary loss which, in the course of three-fourths of a century, has been suffered by the non-introduction of the projected prison improvements. That loss can only be counted by scores of millions; but what is beyond the reach of figures are the statistics of irreparable moral injury, resulting from the wrong-headedness of a single man, armed with the powers of a *veto*, of which it is believed this is almost the only example of its exercise in modern times.*

In weighing the guilt and appropriating the punishment to criminals, these considerations ought not to be lost sight of — the physical, as regards the state of the body; the intellectual, that of the mind; and, in a subordinate degree, the knowledge possessed by the offending party. Every shade between maximized and minimized guilt presents itself for consideration. In cases of

* On more than one occasion William Pitt said, that "Bentham had been cruelly treated by the procrastination." William Wilberforce had originally been a most earnest advocate of Bentham's project; but his political partisanship finally led him to desert his friend and the project of that friend. Dundas patronized the scheme, and, finding the opposition of the ring unconquerable, he introduced the bill for compensation. Bentham sought an interview with the bishop of Rochester, supposed to be a philanthropist, but received this gracious reply: "The bishop of Rochester declines the honor of Mr. Bentham's visits." Wilberforce, upon this, wrote to Bentham expressing his vexation at the bishop's conduct. "I really thought it possible that he might have been susceptible of some feeling for the public good, when not pre-occupied by private interest." Alas! the bishop's case was not the only one whose "private interest" did "pre-occupy the place of public good." It is scarcely necessary to add that Sir Samuel Romilly, Joseph Jekyll and other personal friends of Bentham stood by him through evil and through good report. The whole history is an instructive example of the corrupting influences of the time.

undoubted lunacy, where the actor is not responsible for the act no other punishment is thought of but that which is necessary for the protection of society against the aberrations of an ungovernable and unreasoning violence; and there are cases, where, in a very low state of civilization, there is absolutely no moral sense not more than exists in the wild animal which destroys its prey for food, in which the law has no action, because even the instinct of property is non-existent.

INSANITY.

Insanity, no doubt, in its various manifestations, requires a severe scrutiny before it can be pleaded in alleviation or excuse for crime. There are forms of insanity which impel and justify crime in the mind of the criminal—using the word here only as associated with a misdeed. There can be no doubt that Jonathan Martin, when he set fire to the York minster, thoroughly believed that he was acting under the authority of a divine command. He gloried in what he had done—argued with extraordinary sagacity and logic on the reason for doing so—told his accusers that the only power they had was to send him a little sooner to heaven to receive the reward for having discharged what he owned was a painful duty—owned his purpose was to murder the bishop of Lincoln—justified himself by the example of Moses, who slaughtered the Egyptians, and painted a picture in which he represents the Deity as coming out of a cloud, presenting to him a sword, and bidding him do his work, and fulfill a divine command. He said he had resisted the peremptory order of God; but a succession of visions, each more dreadful than that which had preceded, worked up his courage to the sticking-point. He told me that he prayed, even to agony, and at last placed a loaded pistol on the table, and made this appeal to the Lord: "Lord God! I have placed a loaded pistol on the table; if Thy will be otherwise, remove the pistol, and I shall then know I was deceived by the messenger." He informed his wife of his purpose, and the murder was prevented. Jonathan was sent to bedlam, where he died.

Bentham points out emphatically the difficulties of pleasing everybody in questions of prison discipline. Some forget that the prisoner is to be punished for the injuries he has inflicted on society; others fail to remember that the prisoner is a sensitive being, one belonging to the whole brotherhood of man. Some

would maximize his suffering — others object even to the coercions needful for the maintenance of order. Bentham has well classified the ends which wise legislation and proper administration should have in view: 1. Example, for the determent of others. 2. Prevention of offences within the prison. 3. Preservation of decency. 4. Prevention of undue hardships. 5. Preservation of health. 6. Security against fire. 7. Safe custody. 8. Provision for future subsistence. 9. Provision for future good behavior. 10. Provision for religious instruction. 11. Provision for intellectual instruction. 12. Provision for comfort. 13. Observance of economy. 14. Maintenance of subordination.

PRISON LABOR.

General principles, founded in observations on human character, must, it must be admitted, be the basis of general legislation; but, in the application of that general principle, the peculiar local and personal position must not be forgotten. In the question of profitable prison labor, it is averred generally in England that the question of pecuniary *profit* has been made too prominent an object in many of the prisons of the United States; while American reformers have insisted on the neglect with which money considerations are very frequently regarded with us. And even allowing that in both cases the judgments may be somewhat hasty and erroneous, as objects will naturally appear different when seen from different points of view, certain it is that each may receive benefit from the instructions of the other, and, in the controversy, advantages will result for all.

TRADES.

In selecting employment for prisoners, their special aptitudes should be considered, so as to make their labor most profitable; nor should their disposition for a particular trade be disregarded, inasmuch as willingness to work will be more productive than unwillingness. Some trades can be quite as beneficially carried on within as without the walls of a prison; there are many which within a prison cannot at all be exercised. A prison would not be a becoming school for the training of sailors, though materials for making soldiers might, perhaps, be found there. There would be among them busy bees and idle drones. The contract system might be advantageously introduced, and convicts trained to labor by those who would be willing to purchase the

fruits of that labor. Employment in the more agreeable and more profitable trades might be made the reward of good conduct, and degradation to the less agreeable and less profitable trade the punishment for misconduct. As to the quality of employment, Bentham suggests, that, saving regard to health, employment should be the most lucrative; that it should be varied and changed at least once a day; that among employments equally lucrative the sedentary should be preferred. The distribution of time proposed by him is for working days:

Meals, two in a day,	1½	hours.
Sleep,	7½	"
Air and exercise,	1	"
Sedentary work,	14	"
Total,	24	hours.

Sundays and holidays:

Meals,	2	hours
Sleep,	11	"
Religious services,	2	"
Schooling, singing, etc.,	9	"
Total,	24	hours.

EDUCATION.

Provision for schools is a matter of grave importance, and in prisons, as indeed everywhere, a central, all embracing supervision is of paramount importance. The hours devoted to study should be so exclusively devoted, and emulation should be encouraged, as a great impulse to progress. In truth, a prison is a cosmos of itself, where, in whatever way distorted or degraded, all the social elements will be found to exist; the ruling few and the subject many are here brought together; the ruling few with more despotic powers, the subject many in a state of more decided subjection, than can be found without the prison walls. A prison may be deemed an industrial school in which the management deals with moral instead of physical diseases, which it is its duty to alleviate and, if possible, to cure.

WORK.

As regards the control to be exercised by those who manage the labor department, it is desirable to associate the prisoners' interests with their duties. The question whether the sale of labor by con-

tract, without risks as to the results, or under trust, where naturally the profits may be greater, but the risks more, would have to be determined by local circumstance, as indeed would be the species of labor selected. What economy has to provide against are the sins of peculation and of negligence. Against both of these the contract system gives the greater remedy. The objection is that as *profit* alone is looked to by the contractor, he will be indifferent to any matter beyond his pecuniary gains. With the reformation of the criminal, except as subordinate to the more profitable employment of the criminal, the contractor has little concern, and it is to be feared that to the labor question, as directly associated with the reformatory question, adequate attention has not been given.

TREAD-MILL.

Without deciding what species of hard labor is likely to be most reformatory or productive in a particular prison, it may be averred that of all instruments in use, the tread-mill is the very worst. Costly in construction, wasteful of strength and labor, unjust in its action, it appears to maximize mischiefs and minimize benefits. Happily the tread-mill is excluded from all the prisons in Scotland. It is clung to with strange affection by jailors, who find it very simple in its employment, and by justices who see "the terrors of the law" exemplified in its indiscriminating inflictions. It is believed that its use will not much longer disgrace our system of prison discipline.

RESTITUTION.

Among wrongs for which inadequate redress is provided, are those suffered by the victims of crime. The restitution of the value of the property of which they have been fraudulently deprived ought to be one of the objects of penal legislation. In many cases the mischief may be partially, in some wholly, redressed by money payments realized from the prison labor of the thief — here the *lex talionis* comes into action — but in injuries done to person, *i. e.*, corporal injuries — it is difficult to apply analogous punishments. In cases of garroting, severe bodily castigation has been found a practically useful auxiliary, and, as in some ancient codes, a money value or penalty might be attached to offences. This obtains, too, in most of the laws of civilized countries where the infliction of fine or imprisonment is made optional in the hands of the magistrate, though the penalty of the fine or the imprisonment must fall very unequally on those of different ranks of life.

SOLITUDE AND SOCIETY.

Absolute, unbroken and perpetual solitude Mr. Howard declares to be "more than human nature can bear without the hazard of distraction or despair." It soon ceases to be operative, bringing about "a sullen melancholy or gloomy despondency." It may be effective when employed for a few days. If solitude be a proper punishment for ill-doing, society should be made a recompense for well-doing. And it may not only be made a recompense for well-doing, but an instrument for producing reformation. The influence of a reformed criminal upon an unreformed may often be greater than that of any other influence. The influence of the prison functionaries, and of the chaplain especially, may be deemed purchased and venal service. "They are paid for it," is the all-sufficient answer for a criminal who is deaf to their counsels. The influence of the benevolent visitor is accidental, and for the most part transitory

DETECTION AND DECREASE OF CRIME.

The maxim that "*de non apparentibus et non existentibus eadem est ratio*," is to a great extent applicable to the existence of undetected or unknown crimes and criminals. To penetrate the haunts and nests and nurseries of vice, to discover the origin and, if possible, to destroy or to mitigate mischief in its birth and breeding places, especially in great cities, is one of the prominent but most difficult duties of the philanthropist. On the whole, the statistics of crime in England are evidence that the legislation of parliament and the action of the magistrates have been favorable. From 1848 to 1854, the maximum of persons committed for trial was 30,349 (in 1848); the minimum, 21,813 (in 1850); the average of the seven years, 27,838. From 1855 to 1861, the maximnm was 25,972 (in 1855); the minimum, 15,999 (in 1860); the average, 19,219. From 1862 to 1867, the maximum was 20,818 (in 1863); the minimum, 18,849 (in 1866); the average, 19,625. Considering the great increase of population in the last twenty years, these figures are encouraging.

Modern science has provided many new appliances, in aid of the administration of justice, for the discovery of criminals and the suppression of crime. The facilities given by the electric telegraph for the rapid communication of information have placed in the hands of the authorities an instrument of great value. Farrell, the murderer, was arrested by a message through the electric

wires, without whose assistance he would probably have escaped. The photographic art has lately been used for the portraiture of a large proportion of habitual and professional criminals, and for enabling the magistrate to trace their previous history in the various prisons through which they may have passed. The Uxbridge seven-fold assassin was identified by a portrait taken in a prison, from which he had been released just before the commission of the murders. The physiognomies of criminals, especially those of the most decided and dangerous character, have often so marked a resemblance as to be worthy of the notice, not only of the speculative phrenologist, but of the practical philosopher.

CONFERENCES OF PRISON OFFICERS.

It has been suggested by some of the most intelligent of our judges, that conferences between the prison governors would be a valuable auxiliary to prison reform. They might, with superior practical knowledge, discuss all questions, compare notes, propose schemes for the removal of abuses and the introduction of improvements, and bring into something like harmony the differing and often discordant elements now in operation. Such a parliament would be a valuable school, both for the legislator and the magistrate.

DRUNKENNESS.

There are many opinions, very various and contradictory, as to the influence of the multitudinous associations for interfering with the sale of spirituous liquors, but there are not two opinions as to the fearful mischiefs which result from the "curse of drunkenness." In Great Britain, if matters in this particular are not much mended, they are at all events not growing worse. Among the more opulent classes, the vice has undoubtedly diminished; and it may be probably shown that this is also the case among the less opulent, notwithstanding the general rise of wages.

That the law should, in some way, deal with drunkenness as the parent of crime and misery, as most costly to the community at large, and most ruinous to its special victims and their families, needs scarcely to be argued; but how far the coercive powers of legislation can be safely, wisely and beneficially applied, is a problem yet to be solved, whose difficulties are increased by the fact of the enormous amount of capital, and of individuals, directly and indirectly concerned in the production and sale of spirituous liquors.

PRISON STATISTICS.

In conclusion, it need scarcely be repeated that reliable prison statistics are of the highest value, and that the best materials for wise legislation are the facts which authorize and compel the interference of the laws. But statistics ought to be complete, not to say exhaustive, and, above all, trustworthy. If they are to be made usefully practical, and to serve the purposes of comparison, the questions to which they are to provide answers should be identical, and such as to cover the whole field of inquiry. For this purpose, a common system of accountancy should be provided in all prisons, and proper models provided. The manner of book-keeping varies so much in different localities, that it is frequently impossible to draw correct conclusions from the data furnished. Every thing in the shape of expenditures and receipts should be arranged under defined heads: the cost of the staff, *i. e.*, the officers of the establishment, should be separated from that of the prisoners: the prison labor account should not be blended with that of general charges; and not only should the profits of different classes be recorded, but, as far as may be, the reformatory influences of the various punishments, rewards and employments.

VII. Terms of Sentence: *Is Greater Equality for the Same or Similar Offences Desirable, and if so, how to be Secured?*

By Hon. Robert Pitman, Massachusetts.

I concur with the committee of arrangements in their declaration that "the proper duration of imprisonment for a violation of the laws of society is one of the most perplexing questions in criminal jurisprudence."

The question above propounded does not belong to the category of yea and nay questions. If it were so considered, I should hesitate between an affirmative and a negative answer. Clear I am, at any rate, that, as a general rule, the discretion of judges should not be confined by law within narrower limits; but I am equally clear that an attempt should be made to exercise that discretion upon better consideration, and upon broader principles, and with approximative uniformity in results.

Apparent inequality is not to be confounded with *substantial* inequality. A level scale of sentences would sometimes work cruel injustice; and before the public have a right to complain of any sentence, either for its lenity or severity, they should be in possession of all the elements of judgment which the magistrate had. Some of these modifying circumstances we shall hereafter consider; but, on the other hand, the inequality which results from variant theories of punishment, from a careless or mistaken view of facts, from the excitement of the public mind, from the mood of the hour, from natural differences of temperament, from undue yielding to pressure, is unjust and mischievous. And it must be borne in mind, that injustice to the state as well as to the prisoner is possible, and that, in some cases, a too indulgent sentence may, in the higher sense, and to the eye of wisdom, be an injustice to the convict himself. While, therefore, we should give free scope to those apparent inequalities which promote real equities, and follow the line of true policies, we must ever seek to diminish those which arise from the errors, perturbations, infirmities and idiosyncracies of the individual magistrate.

At the basis of all questions as to the amount of punishment to be administered to individual offenders lies the settlement of the

philosophy of legal punishment itself. What objects may society rightfully propose to itself in the administration of criminal sentences? And, at the outset, we remark that human government has nothing to do with administering what may be called retributive justice. To repay the offender is not within the scope of law. "All punishment," says Sir James Mackintosh, "is a defensive act." While, therefore, no offender should receive more than he deserves, which would shock the natural sentiment of justice, yet we should not seek to meet out the full measure of one's deserts. The minimum punishment compatible with the truest good of the criminal and the best interests of society is the rule, at least for human administration.

Punishment operates legitimately in three ways:

First. By removing out of the way a noxious actor, and thus temporarily relieving society.

Second. By promoting the permanent reformation of the criminal.

Third. By its deterrent power over others.

These are to be kept in mind as the only direct objects of punishment.

But here, also, we must notice a principle of limitation which is to be equally observed. Although man may not assume to measure out justice to the offender, in its absolute meaning and to its fullest extent, yet he must be careful not to exceed that measure. In the interest of supposed policy, he must not overstep it. We all remember the traditional answer of the English judge to the horse-thief, who complained that it was hard that he should suffer death for so comparatively slight an offence: "You are not to be hung for stealing a horse, but that horses may not be stolen." But, to say nothing of the proved inefficacy of savage laws, the enlightened public conscience would now agree that such punishment was, in itself, unjust, because "disproportioned to the degree of depravity indicated and the mischief produced." And here again, to quote Sir James Mackintosh, "the boundary of expedient severity is the power of commanding the concurrence of general feeling."

The three ends sought by punishment, which may be briefly summed up as removal, reformation, and deterrence, are united, to some extent, in almost every sentence. But they blend in very varying proportions, both according to the crime and the criminal. Thus, in the wide department of crime, embracing offences both against physical health and comfort, and against the moral sense,

to which the general name of nuisance is given, the first object — the removal — is mainly sought. In the punishment of juvenile offenders, the second object — that of reformation — predominates; while, in the treatment of offences against public policy, where the pecuniary temptation to transgress is constant and strong, the main object is the deterrence of others. The predominance of one or the other of these objects has much to do with the length of sen tence. Where the main end is immediate protection by the removal of the offender, the inquiry, of course, must be as to the degree of persistence of the nuisance, or of the tendency existing to repetition of the offence. Is the act the expression of a settled policy, purpose or habit? If so, society demands the longest period of immunity from the depredator upon its peace. Is the transgression a casual one, or are there visible hopeful tendencies to reformation? Then charity asks, and society may safely concede, a lenient sentence. But, where the punishment is avowedly reformatory, if the crime has assumed the form of a habit, or results from recognized vicious propensities, the term of sentence should not, in general, be a brief one. A mistake here is fatal alike to the best interests of society and of the convict himself. A period, not too long to be depressing, and yet long enough to insure the thorough trial of all agencies of reformation, is desirable. Only, here, as society sentences without reference to the magnitude of the guilt, but with reference to results to be obtained, the punishment itself should be of a lighter character, and the discipline should be more carefully paternal. Our juvenile reformatories are correctly based on this theory, whatever may be their practice. They are styled "schools." And if the restraint is simply what is needed for moral discipline, and the condition of things is made as cheerful as is compatible with this, justice does not forbid long terms of commitment for, or, to speak more accurately, *on occasion of*, trivial offences. In many such cases, the wise magistrate will look carefully to see if the specific crime is merely a symptom of general moral disease; and upon his decision of this question must depend its treatment.

A good deal of newspaper criticism, and even some legislative discussion, ensued lately upon the sentence of a young boy in Massachusetts, by one of the most considerate and conscientious criminal magistrates in the commonwealth. The boy was convicted for stealing a newspaper or two from the door-steps, and sentenced to a reformatory during minority. That was all the newspapers knew

about the case. Of the particular facts we ourselves know nothing; and our purpose is not, therefore, to vindicate the magistrate, but to illustrate our point. If this sentence is to be considered in the light merely of a punishment for the offence charged, it is, of course, so vastly disproportioned to the offence, as to awaken at once a feeling of condemnation. But what if this offence was but a single one of a series; what if police admonition, and even temporary detention in the lock-up, had heretofore proved ineffectual; what if the boy was an habitual truant, or, what is worse, one of that class whose only school was that of the street; whose only lessons were those of vice, and whose only companions were criminals; and the boy himself without the blessing of parents, or worse, with the curse of drunken ones? In such case, the sentence would be at once wise and merciful. Massachusetts, indeed, now requires all commitments to her state reformatories for juveniles to be during minority. The commonwealth assumes, in the spirit of a parent, the guardianship of these neglected ones, whose natural guardians have been found unfit for the task. It does not retain for punishment, but for reformation; and, in point of fact, by indentures to trade, or by conditional discharges, it reduces the average term of detention to the term of less than three years.

In the punishment of those offenders and of those offences which belong to the third class, where *deterrence* is the main object to be sought, or rather the main end we can reasonably hope to attain, much care is requisite — still observing the rule which applies to all punishment proper — not to excite sympathy by exceeding the measure of punishment in any case which "the majority of good men in a community feel to be fit for the offence." The humane magistrate will be glad to reduce punishment still further to the minimum, which will suffice not only to deter the particular convict from the repetition of the offence, but which, so far as such motives are operative and effectual, will suffice to deter others who are tempted in like manner to offend. And here let us observe that the more certainly conviction is made to follow crime, and the more inflexible punishment is the result of conviction, and the more resolutely the full measure of the imposed punishment is insisted upon, the lighter may be the sentence. A certain imprisonment for two years is a greater deterrent of crime than one chance in four of a life sentence. Indeed, as to the latter, it was ascertained by a careful calculation made some years ago, that

in the state prison in Massachusetts, during a term of thirty years, "forty-six per cent have been pardoned; and the average time served was but six years and three months;" and warden Haynes adds: "I have never received a man into this institution on a life sentence, who did not say he preferred it to one for ten years." It is apparent, therefore, that in this class of cases the tendency of legislation should be toward flexibility of sentence. The statutes of Massachusetts now prescribe, as an absolute penalty, life imprisonment for five offences, namely, murder in the second degree, rape, arson, aggravated robbery and aggravated burglary. Let us test the equity of this enactment. Take the crime of arson, for instance. As defined by statute, it may consist merely of burning a store, "being, with the property therein, of the value of one thousand dollars," in the night time. Is it just to establish for this the same punishment as for setting fire to a house filled with human beings? To ask, is to answer the question.

To return from this particular digression: We may establish it as a principle, that whatever promotes the detection of crime—whatever takes away the chances of capricious acquittal—whatever removes the technicalities which defeat justice—whatever strengthens the executive against ill-advised clemency, contributes to make lenient sentences possible. The necessary law of administration must be the *quantum* of punishment, which, other things being equal, is to be inversely as the *certainty*.

Having thus briefly considered the rationale of punishment, and glanced at the equitable inequalities of sentences, we now come to consider the inequitable ones. That different persons should receive different punishments for the same statute offence is, as we have seen, both just and politic. But that the same person, for the identical offence, should suffer greatly disproportionate punishment, according to the accident of one or another judge of the same court sentencing him, is a grave public evil. The section relating to this subject, in the "principles" before cited from the committee's programme, contains several instances of such inequalities. It is possible that an observer may greatly err from lack of full knowledge as to the equity of a sentence in any particular case; but the observation and experience of an intelligent overseer of a place of punishment for a long series of years as to such inequalities, cannot be easily set aside, or fail to be correct in its average conclusions. And the reports of such officers are

full of complaints of this evil. Nor do criminals and their counsel fail to recognize, and to attempt to profit by, this well-understood difference of estimate of punishment by different magistrates. Indeed, with the varying theories, the different temperaments, the different powers of observation, the diverse training and experiences, and the different degrees of tractability and of firmness in our several judges, such inequalities must arise.

And the practical question to be considered is, how to reduce these inequalities to their minimum.

And here, first, of proposed remedies which we reject.

We have already shown that the law cannot properly prescribe a uniform sentence for the same legal offence, if regard be had to the objects of punishment; and uniform sentences would be manifestly as unjust as they are impolitic. Not only do criminal acts, coming under a single legal appellation, often differ widely in their actual degree of guilt, but many conditions of the actor are essential modifiers of guilt. Thus the age, the intelligence, the degree of temptation, the suddenness or deliberation, the drunkenness or other abnormal excitement of the criminal, demand consideration. Some of these considerations have a double aspect when carefully noticed, which it is curious to observe. Take the case of a deliberate assault by a man of wealth, culture and position, upon some one whose language has offended him. Tried by his deserts, how severe should be the measure of his punishment, compared with that awarded to an ignorant foreigner for a like assault. That a mere fine, in the former case, would, without contrition or apology, be a mockery of justice, is evident; but, on the other hand, the shortest term of actual imprisonment to such a man would be practically a severer sentence in its physical, and, above all, its mental suffering, than a term of six months to some men. We must then endure the present evils rather than reduce judicial discretion within narrower limits.

Nor can we favor an experiment tried, we believe, to some extent, in some states, of having the duration of punishment fixed by the jury instead of the judge. By the theory of our common-law, the peculiar province of the jury is the decision of disputed matters of fact, and the selection and composition of the jury is with special reference to the performance of this single function. The training and experience of the average of jurymen may admirably qualify them to pass a correct estimate upon human conduct and

motives, the veracity of witnesses and the probabilities of testimony, and yet leave them unfitted for the more delicate task of adjusting penalties. The proposed plan would also endanger the integrity of juries. Influences which could not be brought to bear upon them with any hope of success, where the evidence was clear and convincing, to affect their verdict upon the simple issue of guilty or not guilty, might be, to a certain extent, successful, if the jury had the power to settle, by their arbitrary discretion, the punishment to be awarded. The division of responsibility too, which would ensue from the secrecy of their deliberations, and the aggregation of their judgments in a single result would, it is feared, greatly diminish any individual responsibility. Another danger would be that of compromise verdicts, the honest doubts of jurors traded off for mitigation of sentence.

And, finally, when we consider the caprices which affect juries where feeling is involved, and the shifting nature of the body itself, it is apparent that the inequalities now complained of would be multiplied instead of diminished. Rejecting these plans, therefore, we now come to consider whether any practical remedies can be found; or, to state the problem more exactly, it is to find what measures will diminish the existing inequalities.

And in this, as in all other reforms, the first step is information. We must accurately guage the nature and extent of the evil to be alleviated. As is well said in reference to another subject, "the local and the special are here to little purpose; it is the general only that has value; that is, returns so numerous and drawn from so wide a field as to give real significance" to the facts themselves. That is, the public must be apprized that there is not only an occasional and exceptional variation in the standard punishment of similar offences under similar circumstances, but that such inequality is a constantly recurring phenomenon. But it is evident that the survey of cases must not only be general, but it must be intelligent. To report merely the superficial facts would sometimes be misleading. The observer must be competent from mental characteristics and from training to distinguish between what we have called apparent and real inequalities. In this matter, as in so many others, the establishment in each state of an intelligent and independent board of inspectors of prisons, with a secretary for an executive officer, of the best available ability, would be found of the greatest advantage. The careful observa-

tions and conclusions of such a board would arrest the public attention and command the public confidence. A candid exposure of the evil would in itself do much to diminish it by calling the attention of the judges themselves to the inquiry whether their general tendencies were to undue lenity or severity. This work of exploration is evidently of prime necessity.

Wise and able discussion of the different theories of criminal punishment, and of the objects to be attained, will also tend to produce in time a more consistent and harmonious administration of it on the part of magistrates. When certain general principles are established, there will still be room for variation in the application of those principles to existing facts; but a tendency toward uniformity will have been produced.

Another obvious method of reform will be the observance of more care, and the bestowment of more thought, in the matter of individual sentences. In some courts, especially those of inferior jurisdiction, the spectacle is often exhibited of hurried and apparently careless infliction of sentences. Even where such sentences, upon the general scale of criminal punishments, rank as among the lighter, the weight of them upon the individual offender may be of great severity. Nor is there less danger of undue lenity. A month's imprisonment of a minor for larceny, or a hitherto virtuous female, may crush the better aspirations of the offenders, and place them for life in the ranks of the criminal classes; while, for one who has already entered upon a career of profligacy, such a sentence would afford but slight protection to society, and have trifling deterrent influence upon the offender. And upon the public, and even upon the criminal himself, the spectacle of an *inconsiderate* infliction of punishment is injurious. The moral impressiveness of punishment depends greatly on its being administered with thoughtful justice. To give opportunity for deliberation, such time should be fixed for determining all sentences of imprisonment as may afford the prosecuting officer or the friends of the prisoner ample time to lay all the facts before the court. Especially should there be some provision whereby the government should be represented before the lower courts, as they generally are not now, by a responsible public officer, who should feel that he is there to act as a minister of public justice.

The haste in determining sentences is most obvious in our lower courts, as we have said; but when we compare the time spent

every year in hearing applications for pardons from the state prison with the time spent in fixing the sentences originally, we shall have some reason to believe that, if the latter were extended, the former might be materially abbreviated. Sentences surely ought to be so considerately pronounced as to render the presumption violent against their revision upon ground of original inequity.

In regard to certain classes of offences, such as gaming, illegal liquor selling, keeping houses of ill fame, and the like, where the character of the act is pretty uniform, and the motive of the act is the same, some near approach to a settled scale of sentence might be reached by mutual conference between the judges of criminal courts. Some exceptional cases, no doubt, would be found; and some distinction should be made in sentence, depending on the persistence of the transgression. But there surely is no reason why the anomaly should exist of a punishment of such offences by one judge, as a general rule, by a fine, and by another judge of the same court by imprisonment.

There is a well founded tradition that the chief justice of one of our New England courts having, upon one occasion, been led to impose a fine upon the mistress of a house of ill fame, she promptly paid the same to the sheriff, and sailed magnificently out of court, with a parting salutation, "Thank your honor, I shall make more money than that to-night." The chief justice was led by this incident to use his personal influence to procure the passage of a law, making imprisonment a compulsory punishment for the offence of keeping such a house. In striking contrast to this is the record of sentences for a year by a criminal court in one of our large cities in the same state, where, out of 141 sentences for this offence, 133 were to fine merely, and only eight to imprisonment. Such inequalities in judicial policy evidently need regulation.

In the case of the graver criminal offences, punishable by long terms of imprisonment in the state prison, hardly any approach to uniformity of sentence can be antecedently provided for. Crimes of these grades are not easily reducible to fixed classes, but have generally, to a considerable extent, an individual and exceptional character. The only practicable way of securing the nearest attainable approach to substantial equality here, seems to be by a provision that sentences in crimes punishable beyond a certain extent of severity, should only be inflicted upon a hearing before

two or more judges of the same court. In such cases the convict might be temporarily removed after trial to jail, to wait the time when a sentence session of the court was held; and this session might be at some convenient point for the whole state.

In conclusion, let me say that these suggestions, the fruit of a good deal of thought upon a most difficult problem, are submitted with diffidence. The whole subject of criminal punishment is now undergoing a re-examination, both as to its principles and details. The immediate duty of the present hour seems to be, the collection of reliable statistics, and the thorough discussion of the lessons which they teach to the philosophical student of human nature.

In the progress of christian civilization it is seen, that the glory of the state is in the care with which it protects the weakest; and now as christian philanthropy turns even to the outcast and the criminal, it will ultimately be found that the truest discipline which government can exercise over these, whether in the individual instance it be tender or severe, will prove the highest good both to him who is exercised thereby, and to society at large. And so shall mercy and justice embrace each other, and christian wisdom show itself to be one with christian love.

VIII. On the Objections incident to Sentences of Imprisonment for Limited Periods.

By M. D. Hill, Esq., late Recorder of Birmingham, England.

Heath House, Stapleton Bristol, Sept. 6, 1870.

My dear Sir: Your request to me to write a paper on this important subject, to be read at the forthcoming congress at Cincinnati, has never been absent from my mind, and would have been long ago fulfilled but for my tedious illness and the debility of body and mind consequent on this affliction.

As the time is now drawing nigh, I feel I ought to delay no longer to do what little I can toward compliance with your wishes, feeling, as I do, that no probability remains of the increase of strength, to which I have anxiously been looking forward.

Instead of an essay, then, I must ask you to be satisfied with an imperfect and rambling statement of such matter as I can throw upon paper without overtaxing my feeble powers.

All punishment is a means to an end, not the end itself. The initial question, therefore, is, What end do we propose to attain by punishment? For myself, I aim at no other object than the diminution of crime, not contemning, however, any other good which may flow from the means adopted to secure that result. As a general principle, I apprehend the diminution of crime, so far as it is to be effected by punishment, must be sought for in the reformation of the criminal; and for that purpose it is a necessary and a legitimate exercise of human authority to detain him until this effect shall have been produced, even if such detention extend to the term of his whole life.

A criminal is a man who has suffered under a disease evinced by the perpetration of a crime, and who may reasonably be held to be under the dominion of such disease until his conduct has afforded very strong presumption not only that he is free from its immediate influence, but that the chances of its recurrence have become exceedingly remote.

Now, it seems to me that, as in bodily diseases, it is obviously impossible to predict the date of the patient's restoration to health, so if there be degrees of impossibility, it is even more impos-

sible in the case of mental disease. To fix, then, at its commencement, the length of a sentence, is to incur two risks: First, that of turning the malefactor loose on society before he is cured; or, on the other hand, to detain him after the cure is effected; the latter alternative being, however, much less injurious and much less frequent of occurrence than the former.

It will be at once admitted that if we could, with certainty, so train a criminal during his imprisonment as to relieve him forever from all disposition to relapse into crime, any length of incarceration would be well spent; assuredly well spent as regards the interests of society, and as assuredly well spent as regards the interests of the criminal, both in this world and in the next. But I have been asked if it is right that for a small offence the offender should be deprived of his liberty for the remainder of his days, if his proclivity to crime proves irremovable?

To this objection I have answered that, if the offence does not imply the necessity for privation of liberty, then do not inflict such a punishment, even although the alternative may be the escape from all punishment; but let society rather bear the consequences than administer the pain of an imprisonment which may be unlimited. Having regard, however, to the evils flowing from impunity, whether the offence be large or small, it would be probably found that the instances to which I have adverted would be of rare occurrence; and that, as a general rule, such impunity could not be permitted.

If, then, the offender must be sent to prison, what is to measure the duration of his punishment? Time-sentences are so familiar to our minds, and are enforced by such long ages of prescription, that an inquiry into their reasonableness demands efforts which few can be induced to make; and yet I cannot think the question presents any peculiar difficulty.

In apportioning a time-sentence to a given offence, we assume that some assignable proportion exists between offences and inflictions; that a pound weight of crime should be visited with a pound weight of punishment. But, although we are able to establish in our minds some vague proportion of this kind, yet all that we can do carries us but a very little way toward the exactitude required for practical purposes. This failure is manifested by daily experience. Whenever a case is tried by a plurality of judges, it is well known that it is only by compromise that they agree upon a sen-

tence, wherever the legislature has left them discretionary power. And if this be true of judges who, sitting together for month after month, are worn into an approach to mental uniformity, the differences of apportionment between one court and another must be acknowledged to be so great as to destroy all hope that crimes will meet, as a rule, with their desert — neither more nor less.

In our attempts to award pain according to desert, we are fated to err either on the side of mercy or of severity. Hence, it has been a favorite habit with editors of newspapers to compare two discrepant sentences with a chuckle of triumph over the folly of one or other of the judges on whose proceedings they are animadverting, without a thought that the judges have neither weight nor scales. It is true that, by reason of that vague approach to proportion between crime and penalty to which I have referred, the problem to be solved by the judges is not quite so hopeless of a rational answer as the schoolboy's question, "How far is it from the 1st of March to the Tyburn turnpike?" but it, nevertheless, is quite as incapable of satisfactory solution.

When the jury has convicted the prisoner, it remains to be considered whether the offence is mitigated or aggravated by its incidents; then must be considered the circumstances of the offender. Is he young, or of mature age? Has he had the advantages of education, or has he been left to the influences of ignorance, bad example and evil associations? Has he been previously convicted, so frequently as to make it clear that he has adopted crime as his calling or profession; or is his deviation from honesty an exception, and not made in pursuance of his rule of life? All these, and many other points for consideration, will rise up in the mind of a thoughtful judge, but they assuredly will not be dealt with by any two minds so as to result in precisely the same infliction. And if we take into account the modifications of opinion which society undergoes from time to time, and observe its effects on the sentences pronounced at various periods for offences of similar magnitude, we shall, I think, all come to the conclusion that standards of punishment are much more easy to imagine than to realize. In the early years of the present century, boys of fourteen were not seldom hanged for picking pockets, the executioner, in order to expedite their death, humanely weighting the wretched little creatures with stones! And shortly before that date, Horace Walpolé tells us he saw from his carriage a cart-load of girls

going to execution, "and never," he adds, "did I behold such weeping!" Such a spectacle in these days would fill our whole island with horror and indignation.

But even if it were possible to docket every prisoner's offence with its just amount of punishment, how little of good would be accomplished by such a feat. Would the deterrent power of the punishment secure society from the repetition of the offence?

Such a consequence is perpetually assumed by writers in criminal administration. Deterrents are not, indeed, absolutely nugatory; they have some potency, though very little; but having watched the operation of non-reformatory punishment for more than half a century, I can offer myself as a witness to the illusory nature of all expectation that they can be made effectual. My testimony, however, sinks into utter insignificance when compared with that of history, which at every page furnishes evidence leading to the same conclusion.

If, then, it is impossible duly to adjust penalties, and if simply deterrent punishments are inefficacious, in what principle can we find refuge, except that of reformation or *cure*? But as a cure cannot be predicted in any case with absolute certainty, and as, even if it could, the time required for its accomplishment cannot be measured in advance, I can perceive no rational alternative but that of sentences, undefined in extent.

But how, it may be fairly asked, is the fact of cure to be ascertained? As I have already intimated, all that can be aimed at is to secure a strong presumption in favor of reformation before the prisoner shall go free.

This is the only proof of which the case admits. Indeed, upon careful analysis, all moral certainty resolves itself into a high degree of probability—such a probability, says Beccaria, as justifies us in acting upon it.

The training of the prisoner must consist of a series of endeavors made by himself, to keep in the right path; and to stimulate his ardor, it is necessary first that his restoration to freedom should be held out as the reward of his success; and, next, as Maconochie has forcibly urged, that he should have, from the first, some power of choice as regards his actions—a choice, the limits of which should widen with his progress in the art of self-government. On this part of the subject I have, on various occasions, entered into details. You have done me the honor to pay so much

attention to what has proceeded from my pen, that I believe I may venture to refer to my writings in these general terms; which, indeed, is all my diminished strength enables me to do.

While engaged on this letter, I have received, through your kind attention, a copy of the twenty-fifth annual report of your prison association, which I have read, I might say *devoured*, with the deepest interest. I cannot express the gratification I derive from the numberless proofs the volume affords of the profound acquaintance with reformatory principles possessed not only by yourself, but by others of your fellow-countrymen; and, although I fear it would be inconsistent with the fact to aver that such knowledge is diffused through the United States, yet I feel bound to avow my belief, that more persons could be found in America who have mastered this important branch of learning, than we can furnish in the old country. And, what is more, reformatory discipline seems to be making much greater progress with you than with us. At present, indeed, we seem to have fallen into a comatose state as regards all that belongs to reformatory affairs. The most favorable view I can give of the temper of our public mind is, that within the last two or three years our thoughts have been absorbed in other matters not less requisite to good government.

And here I pause, not because I have finished my task, but because I have done as much toward it as I am able. Scarcely need I express my regret at my inability to be present at your Cincinnati congress. During the last month I completed my seventy-eighth year, an age which has not been attained without encountering some of the infirmities attached by Providence to length of years. These incapacitate me from moving freely, even about our small island, in which, probably, you Americans would not admit the possibility of making a long journey; yet the journeys that I much desire to take are too long for me, and I am obliged to submit to years of absence from friends and relatives, whose society forms my highest enjoyment.

I look forward to the proposed European conference to afford me this enjoyment in the visit you have promised, and in those with which I hope others of your countrymen will also gratify me. Farewell, my dear sir, and may you be long spared to fill your important post.

Most truly yours,

M. D. HILL.

The Rev. E. C. Wines, D.D.

IX. Criminal Capitalists.

By Edwin Hill, Esq., England.

It is well known that, mixed with the general populations of the large towns in Europe, there are considerable numbers of persons, who, however they may pretend to have honest means of subsistence, do really get their living by plundering their neighbors. I presume that this "habitual criminal class" is also to be found in the larger towns of the United States.

The pursuits of this class comprehend some thirty or forty varieties of crime. Thus, some of its members are burglars, others garroters, pickpockets, shop-lifters, area-sneaks, station-thieves, forgers, coiners, swindlers, begging-letter-cheats, etc.

Some operate singly, others from gangs under acknowledged leaders; and in London it has lately been the case that numbers of ruffians (called "roughs") contrive, without being actually in company, to keep so far within call of each other that, upon one of their victims offering resistance and calling for the aid of the police, a mob collects by a rush, and proceeds, 1st, to secure the booty, and, 2dly, to rescue the thief from the hands of the police, and favor his escape from the spot; often resorting to savage violence, and inflicting severe injuries both upon the resisting victims and upon their protectors, whether members of the police force or mere by-standers; injuries, perchance, endangering life and limb.

To resist and control these active and inveterate enemies of society, the state employs a vast body of police, a magistracy, courts of justice, etc., and it erects and supports huge prisons and houses of correction, each with a suitable staff of keepers, turnkeys, etc. In London alone the cost of these several means of repression, added to that of prosecutions, etc., exceeds a million pounds sterling per annum. The total loss sustained by the community of course includes also the value of the property stolen or destroyed by the plunderers, together with other costs and losses to which individuals are put in defending themselves and their property, and in bringing their assailants to justice. This "total of the whole" has been officially estimated for Great Britain and Ireland at some ten millions of pounds per annum.

Now, in spite of the police, the magistracy and the jail, and, indeed, in open defiance of them all, the army of plunderers has hitherto kept the field, undiminished in numbers and audacity. "Crime walks thy streets, fraud earns her unblest bread," words written sixty years ago, are equally true now.

In Greece, Italy and Spain, brigandage makes its home in the mountain fastnesses, in the forests and in the caves; from this form of the evil we are free, but, on the other hand, we have unwittingly suffered the foe, less ruthless, but more numerous and adroit, to nestle in our very midst; and to their evil presence we have submitted, as though it were part of the order of nature and therefore beyond our control. Indeed, I am not aware that the simple question, "Is this grievous burden removable or irremovable?" has ever been distinctly raised. Yet surely it is not a question to be ignored, but one that ought to have a most careful and thorough examination.

In making such an examination, we should first seek to obtain a clear understanding of the nature of the "institution," if I may so call it; by what means it has been established, how it is supported; and, lastly, at what point it is most open to a vigorous and successful attack.

Hitherto the body of "habitual criminals" has been commonly regarded as a mere number of isolated individuals, to be for the most part caught and dealt with individually; they have never, so far at least as I know, been regarded as virtually forming a system, having its component parts so dependent upon each other as, like a piece of mechanism, to admit of disorganization and virtual destruction by the removal of a comparatively few of its more important elements.

The common saying, that, "were there no receivers of stolen goods, there would be no thieves," manifests a dim suspicion in the public mind that the means of repression ordinarily resorted to might take a different and better aim than that now given to them.

It is unfortunate that such suspicion has never so ripened in the public mind as to demand corresponding action on the part of the legislature and the magistracy.

My own view of the case, derived from long study and much inquiry, is, that habitual criminality must be regarded as a trade or craft, in which the operatives (the thieves), living mostly from

hand to mouth, are, as in other crafts, dependent upon the support of the capitalists who devote their means to the purposes of the craft — the capital so devoted being in truth the life-blood of the system, which without it could never have come into existence, and which, if deprived of it, must speedily fall into inanition and vanish from among us.

Now, in the craft or trade of criminality, as in other crafts, while the operatives are numerous, the capitalists are comparatively few; and, having something to lose, they are naturally more timid than the inferior members of the system. Again, they are much more tied to the spot, and occupying, more or less, a higher station in life, and accustomed to a higher scale of comfort, they must, no doubt, have a much greater dread of the penalties of the law; and, lastly, every such capitalist must needs be well known to a number of the dishonest, for they are his customers; and among them, if we know any thing of the nature of the class, the police cannot have much difficulty in procuring such information and assistance as, in a proper state of the law, would insure their detection and punishment.

But who are these criminal capitalists? How is their capital employed? And by what means can they be finally deterred from so employing their capital? Or, as Mr. Chadwick would put the whole question, "How can the employment of capital in the support of criminality be rendered no longer eligible?"

No trade can be carried on upon a bare moor; therefore, capital belonging to some one or other must needs be employed in providing suitable trade premises, together with the necessary dwellings for the work people. The trade of criminality requires habitations for its operations just as much as any other trade. Also, in place of the "house of call" of ordinary crafts, it has the "flash-house," wherein those shunned by the honest classes can congregate for sympathy and indulgence, and, perchance, to join in concocting future plundering operations; and the capital which supplies such habitations and such places of resort is obviously employed in the support of criminality; the rents obtained are the proceeds of robbery; sometimes they are not even free from the stain of blood; nor is the receiving of such rents — their source being known — morally distinguishable from the receiving of stolen goods. I hold, therefore, that all persons having the control of house property, whether as owners, occupiers, or agents, who *knowingly* harbor

reputed criminals — receiving rents therefor which necessarily represent so much plunder — are to be justly designated as "criminal capitalists;" they form part and parcel of the great system of habitual criminalty, and are in truth essential to its very existence. Nor do I see any reason why the law should not treat them as a very obnoxious order of criminals. They enjoy their property under the shield of the law, and it is intolerable that, while so doing, they should employ it in harboring those who make it their sole business to break the law.*

In ordinary crafts, for meeting their current expenses the operative members depend upon the receipt of wages. These, I presume, are unknown among the criminal operatives; and as cash does not very often fall into their hands as booty, it is essential to their existence that they should be able, with but little difficulty, to convert the valuables they do secure into ready money, either by sale or by pawn. But this implies "receivers," that is, men who are able and willing to buy or to lend, and who concern themselves but little as to the way in which the offered property had come into the hands of the offerer. The law in England, and I presume in other countries, does make this use of capital a crime; its owners rank, therefore, as criminal capitalists.

In London, and probably in other large towns, there are thieves' instrument makers, some of whose productions manifest great ingenuity and skill, and exhibit workmanship of a high class. The making of these requires some capital in the form of expensive tools, materials, etc.

Now if, by increased stringency in the law, and greater vigor in its administration, these criminal capitalists, and others inclined to become such, could each and all be permanently deterred from so employing their means, the result being that an habitual criminal could no longer obtain the shelter of a house, either as a residence or as a place wherein to meet others like himself, nor could any longer find a market for his booty; what alternative would be left him but to turn to honest industry, or to go to the work-house or the prison to escape starvation? In other words, how then could habitual criminality escape practical annihilation?

As to the measures necessary for putting a stop to the employ-

* I have been informed by the chaplain to the borough gaol of Birmingham that within a few years more than thirty criminals had been brought to the gaol from one single house in that town.

ment of capital in the support of criminality, a matter hitherto much neglected by the law, I feel no doubt, that should our legislature determine to accomplish that purpose, the means will be easily discovered. I may, however, be allowed to offer a few remarks thereupon.

I. AS TO THE HARBORERS OF CRIMINALS.

a. The law should enable owners of houses to eject bad tenants without undue difficulty.

b. It should be made the express duty of the police authorities to use every means for discovering the houses wherein reputed thieves are suffered either to abide or congregate, and to give formal notice to the owners, agents and occupiers, in order that there may be no mistake as to their knowledge of the facts.

c. Knowingly to suffer the harborage of reputed criminals should be made punishable in respect of *all* who have the control of house property, whether as owners, agents, occupiers or otherwise.

d. Power also should be given to the magistracy to attach a house used for such purpose, in case of the persistent neglect or defiance of the law.

II. AS TO TRAFFICKERS IN STOLEN GOODS.

In England the law has not failed to threaten the receivers of stolen property (whether in purchase or in pledge) with condign punishment; but when called upon to carry its threats into effect, it allows itself to be defeated by futile technicalities totally opposed to its spirit, whereby its object has been so thoroughly frustrated that, as respects London, it is all but demonstrable that, for one breach of the law against receiving stolen goods which is prosecuted to conviction, there are at least five thousand that escape; and although there is but little doubt that the major portion of the stolen valuables are taken into pledge—often under highly suspicious circumstances—the conviction of a pawnbroker is a thing unknown.

A circumstance that occurred to the writer many years ago will throw some light upon this matter. A youth employed in a rolling mill was detected in carrying off a heavy piece of copper, secreted under his clothes. Upon being questioned, he stated that a man who knew where he worked had incited him to steal the copper, and promised him two pence per pound for what he should bring. Now this copper was worth ten pence per pound even to remelt, and it

was in an unfinished stage of manufacture, in which it is not an article of sale. Impressed with the importance of detecting the tempter of the boy, and finding the boy — in the hope of getting his own punishment mitigated — willing to carry the copper straightway to the receiver, as he would have done had the theft remained undiscovered, I requested the chief of the police (of the place) to send a detective to follow the youth and to secure the man, so soon as he should have purchased and taken possession of the copper. This, however, the constable refused to do, because he happened to know that, since the control of the copper had been temporarily recovered, the law would hold that the character of stolen goods no longer attached to it, and hence that an indictment for receiving stolen goods could not be sustained. So that this man, notwithstanding his having incited the theft, and — obviously under the belief that the copper was stolen property, having bought it at a fifth part of its value, and while in an unfit state for sale — was enabled to escape with impunity by virtue of an idle technicality, which did not diminish his guilt by one iota.

The addition of a single word to the law would cure this intolerable absurdity. Thus, were the offence defined to be "receiving property, *believing* it to be stolen," the all but insuperable difficulty of detection would vanish.

I would, lastly, suggest that the police force of every large town should include a small body of men, chosen because of their known intelligence, activity and probity, to be specially charged with, and to be held responsible for, the detection of the harborers of criminals and the traffickers in their booty; being freed, except in cases of great emergency, from all other police duty.

I presume no one doubts that, as respects the acknowledged crafts or trades, the removal of the capital employed in one of them, and the exclusion of all fresh supply, would make its longer continuance impossible. Habitual criminality has not hitherto been recognized as a craft, dependent, in common with other crafts, upon the united action of capital and labor; but that it is truly such, and that the total removal of the capital employed in its support must necessarily destroy it, I know to be the opinion of eminent persons who have been in a position to ascertain the facts of the case, and have, indeed, made them their study.

The profit, or rather saving, to be secured by the complete attainment of such a result, so soon as time should have allowed of

the full development of its effects, by reducing to a minimum, 1st, the losses inflicted upon society by the criminal population, and, 2d, the expense incurred in repressing crime, to say nothing of the greater security of life and limb, could, I think, scarcely be estimated at less than a sum equal to a twelfth part of the national revenue of Great Britain and Ireland.

X. Prison Discipline in Denmark.

By Fr. Bruün, Inspector-General of Prisons in Denmark.*

As to penal laws and punishment by imprisonment, we have had, in Denmark, the same fate with the greater part of the other European states; only earlier.

As civilzation advanced, the frequent capital and maiming punishments were replaced by imprisonment, which was accompanied *either* (when the crimes were great and the malefactors of the male sex) by labor in the fortresses or on the fleet, where the prisoners, with fetters on their limbs, were, during the day-time, occupied on public works, and, during the night, closely huddled together, being confined in common sleeping-rooms, without light and without guard; *or* (when the criminals were of the female sex or the crimes were committed by young male persons, or were less considerable) by labor in penitentiaries arranged for that purpose, where the prisoners were together day and night, without any classification whatever.

The jails resembled the higher prisons. According to the statements handed down concerning them, they were no better than those of which Howard, in his time, has given so horrible a description.

I shall not weary the congress with a detailed description of these prisons. They are, I am sorry to say, but too well known. They degraded as well those who inflicted as those who suffered the punishment.

Such was the state of things until the close of the last century, when the government for the first time turned its attention toward the sad condition of the prisons. On the 5th day of April, 1793, a law was enacted that contained several humane and just regulations, particularly concerning the jails; and a private society was formed to take care as well of the spiritual as of the bodily welfare of the prisoners, in the spirit of Howard.

Denmark was then in a flourishing state. Thanks to sage political counsels, our little country had not partaken in the combats called forth by the French Revolution, and the means were in existence to realize the humane designs of the government and

* Written in English by the author.

the people. But in 1801, the sudden and unexpected attack of England on Copenhagen took place, and during the unequal and desperate struggle in which we were thereafter engaged, our wealth was destroyed. Peace was concluded in 1814, but the sad consequences of the war were of a long duration, and the country but slowly recovered its strength. As a consequence, the question of reforming the prisons was put aside for more than thirty years, when the estates of the realm earnestly entreated the government to take it anew into consideration.

In 1840, a commission was appointed to propose some action in that regard, and one of the members of this commission was C. N. David, who has deserved so much by his efforts to improve our prison affairs, who is well known abroad, and who, for ten years from 1848, had the superintendence of the prisons in this country.

According to the suggestion of the above mentioned commission, a royal decree was issued the 25th of June, 1842, by which the cell-system was ordered to be introduced for persons detained for trial in jails, and also for persons sentenced to short terms of imprisonment, and the Auburn system for those condemned to be deprived of their liberty for a long time. From that time zealous efforts have been made for the reformation of our prisons. Even the two wars we have had to wage for our independence against our German neighbors in 1848–52, and 1864–5, have not been permitted to stop this work, of the greatness of which you may form a judgment, when I tell you that, during the last twenty-five years, we have expended in constructing new establishments, as well jails as higher prisons, about $1,636,000, a very considerable sum for a country that does not contain quite two millions of inhabitants.

A detailed history of the progress of this reform of our prisons will have no interest for you, and I shall, therefore, confine myself at present to a description of the present state of the prisons in this country, only observing that public labor on the fleet and in the fortresses has been abolished, the former many years ago, and the latter since 1850.

First, then, I must mention that our earlier penal law has been replaced by a new legislation, which has been in operation since the first of July, 1866.

The punishments which, according to this law, may be inflicted, are: 1, capital punishment; 2, punishment of labor; 3, imprisonment; 4, fines; 5, degradation from office; 6, whipping with rat-

tan — only however, for male persons from fifteen to eighteen years — and whipping with a rod, for children of both sexes, from ten to fifteen years.

Only the punishments indicated by the numbers two and three will be considered in the present paper.

A — IMPRISONMENT.

Of this there are three kinds, namely: 1. *Simple imprisonment* from two days to two years. During this, the prisoner is merely deprived of his liberty, but is permitted to enjoy every comfort and every article of food he can procure by his own efforts. 2. *Imprisonment on common prison fare* from two days to six months. The prisoner is subjected to the discipline of the prison, and restricted to the prescribed prison fare. 3. *Imprisonment on bread and water* from two to thirty days. These punishments are undergone in the same buildings where persons not yet sentenced are detained. These establishments are, as far as I understand, quite of the same order with your common jails.

Every jurisdiction, almost, has its jail, the whole number in the country being ninety-three. They are very different in respect to size; thus, the jail in Copenhagen sometimes contains more than 200, while some of the smallest are only destined for from four to six prisoners.

The average number of persons, through the whole country, who are either awaiting trial or sentenced to imprisonment in jails, amounts, for the present, to only 500.

These jails are constructed and maintained at the expense of the locality in which they are situated, but they are subject to the ministry of justice, and are inspected by the chief of prison affairs.

A law of 7th May, 1846, lays down particular regulations, not only for the construction of jails, but also for their administration — the superior as well as the inferior — for the physician and for the prisoners. For the last mentioned, a set of rules is posted up in each cell. Five-sixths of the jails have been built during the last twenty years, and as no construction of new jails, or alteration of old, may be undertaken without the plan on which it was to be constructed having been approved by the ministry, the same principles of construction are realized with respect to them all. As to the jails which are of an older construction, they are undergoing alterations every year. Thus four jurisdictions are, at the present time, erecting new jails.

The first regulation in the above-mentioned law provides that each prisoner is to be quite alone, unless the physician positively forbids it. As a consequence, all the prisoners' rooms in our new jails are cells for single persons, of about 800 cubic feet, with the exception of one or more larger rooms, of at least 2,000 cubic feet, properly arranged, warmed, lighted and ventilated. With respect to arranging, warming, lighting and ventilating the rooms, the ministry has printed drawings and directions that form the base of every new enterprise of building. The cells are, for the most part, warmed by stoves; in a few of the larger jails by steam. The ventilation is, in some places, not perfectly good. In each cell is a table, a chair, a bed, a covered chamber utensil, a shelf for books, and eating and washing vessels. From the cell a bell leads to the apartment of the jailer. The bed, during the day-time, is hung up against the wall. Belonging to it are a mattress and a pillow, stuffed with hay, straw or sea-weed, cotton sheets and two woolen blankets. It is, moreover, by the regulations of our jails provided (1), that the prisoners be cut off from communication as well with the outer world as with each other; (2), that the apartments of the jailer be separated from the jail, yet so that he has an easy admission to, and supervision of, the prisoners; and (3), that the prisoners be conducted to the court of justice, which is always in the same building or in a building connected with the jail, without being seen by or mingled with the public.

Cleanliness is well provided for; in some of the jails there are bathing rooms. To each jail belong as well under as outer clothing, but the prisoners are permitted to wear their own clothes when they are suitable. Twice a day — half an hour in the forenoon, and half an hour in the afternoon — the prisoners are led out to take exercise in the court-yard, which is separated from that of the jailer.

The ordinary fare in the jails is tea in the morning, two dishes of well prepared food for dinner, and a certain quantity of bread for the whole day. The prisoners, but not those under sentence, unless the latter are only to suffer simple imprisonment, may increase this fare, or get better, at their own cost, or for what they have earned by their work; but spirituous liquors are strictly forbidden.

In case of slight illness the prisoner is treated in the jail; for

more serious sickness he is received into the public hospital. In the larger jails, there is a special physician, who visits the prisoners every day; in the smaller, the public physician comes when called for. Once in the week, however, it is his duty to call, and he is required to record, in a register provided for that purpose, that he has been there; and in this register he also has to put down all his suggestions concerning the arrangements for the preservation of health.

The prisoner who wishes it gets work to do. All the income for it belongs to him, and he is, as already said, permitted to get better food for what he earns by his labor.

At the larger jails there is appointed a special preacher; at the smaller the parish minister has charge of the spiritual interests of the inmates. Each prison cell is provided with a New Testament and a hymn book. Some jails have a library. When no library is in existence, such books are lent as the director thinks fit. With the permission of the director, the prisoner may receive visits. His counsel has always a free admission to him, and the prisoner may, at any time, demand to speak with him. With the exception of the preacher, however, it is seldom that the prisoners are visited by others than their relations.

The head of the police is, at every place, the director of the jail. It is his duty frequently to visit the jail, and take care that the jailer conform to his instructions; also that the food is good and sufficient. He must take care that there is order and cleanliness, that the inventory is in existence, and that the prisoner is subjected to no ill-treatment on the part of the jailer. As often as he visits the jail, he has to state the fact in a register provided for that purpose.

For a breach of discipline, when not so great as to require public accusation, the prisoner is punished by being deprived of occupation, of light, or of the right to extra provisions. An ungovernable person may be put into a strait jacket for twenty-four hours, and there may be given him, with a rattan, from three to fifteen blows; a punishment, however, that is very seldom used.

The whole treatment of the prisoner aims to prevent his exposure to any greater evil than his being deprived of liberty, and his person being watched; also, that he may be preserved whole and sound, as well in his body as in his soul. Instruction is given only to children, and thus it will be seen that, upon the whole, the aim is not, by positive means, to influence the

person who suffers punishment in the jail, where the average sta; is not above two or three months..

I now proceed to our prisons where the higher degrees of pun ishments are inflicted, to wit:

B — FORCED LABOR.

Of this there are two kinds: *a labor for ameliorating*, i houses of correction, to which persons are sentenced from eigh months to six years. This punishment is undergone in cells, bu with an increasing deduction from the terms of sentence. Thu for instance, eight months are reduced to six, and six years to thre and one-half; which time, consequently, is the longest for punish ment in cells.

b. Labor for punishing, to which criminals are sentenced fror two years to life. The punishment is inflicted according to th Auburn system; consequently, the prisoners are together in th day-time, and separate during the night; silence is not imposed and there is no shortening of the punishment.

From this it may be seen that, when it is a question of punish ment for a term of from two to six years, the criminal can b condemned either to labor for ameliorating or for punishing; an the judge has then, according to our penal law, section fourtee to choose the latter degree when the criminal has been punishe before, or is an obdurate person of more advanced age.

Consequently, we may divide our prisoners into the followin three classes:

1. *Prisoners of the ameliorating class;* viz.: persons who hav either committed a slight offence, or at least a crime not so gre that the punishment can be of longer duration than six years or who have not been punished before; or who even are yet youn (twenty-five years or less). In short, they are persons whe an amelioration may be hoped for.

2. *Prisoners of the punishing class*, persons confined from tw to six years. According to what has been said before, this cla consists only of persons of a more advanced age, or who have bee punished before. The crime committed, indeed, is here not grea but the moral vior is broken and destroyed. It is the fixed stoc of the prisons, inveterate thieves, an assemblage of person wretched and enervate, as well in a moral. as in a bodily poi of view; ruined by idleness, drink and other debauchery.

3. *Prisoners of the punishing class*, confined from six years t

life. To this class belong those who are called "great criminals." But, although the crime committed may be great, it is not at all a matter of course that it has always sprung out of a thoroughly corrupted nature; it often stands solitary, and has been committed in a momentary passion or in a desperate mental depression.

For these three classes of prisoners we have now four prisons, to wit:

For the first class (males), the cell-prison at Vridsloesville (two Danish miles from Copenhagen), with 400 solitary cells, beside some dark cells for punishment, and some light ones for reception. It was built for about $412,500, and has been used since the end of 1859.

For the second class (males), the common congregate prisons in Copenhagen and in Viborg (in Jutland), with common halls for working and cells for the night, each for 400 prisoners. In each of these prisons are common sleeping-halls for old, decrepit persons whom it is not advisable to let sleep alone. There are likewise in each of them fifty day cells, of which some are dark. These are used as reception cells for prisoners lately arrived, or as punishing-cells. Both prisons have been entirely rebuilt, that in Copenhagen in 1866, for about $110,200, and that in Viborg in 1865, for about $73,900.

For the third class (males), the common prison at Horsens (Jutland), with common working-halls and night-cells for 500 prisoners. As in the two preceding prisons, there are here common sleeping-rooms for old persons, and solitary cells for reception and punishment. To the prison that is situated outside the town are attached twenty-five Danish acres (tuns) of land (each acre or "tun" being equal to 14,000 square yards), that there may be opportunity to let the prisoners work in the open air. It was built in 1853, and cost about $234,600.

4. For *female* prisoners, we have but one prison, which is in Copenhagen, with day-cells for prisoners for ameliorating, and with common working-halls and night cells for the punishing class, for 400 prisoners. It was built in 1864 for about $94,000.

Each of the above-mentioned prisons has a light, spacious and beautifully furnished church, provided with an organ. In the infirmaries, which are either separated from, or form a wing of, the prison, and to each of which is attached a court-yard for exercise, there are, besides large and well-ventilated rooms for the sick

a number of solitary cells, either for malingering persons, or for patients with infectious diseases. Moreover, there are rooms for the physician, the officer of the infirmary and his man-servant; a small apothecary shop, a special kitchen, and a room for keeping dead bodies. The sick-cells contain about 1,000 cubic feet.

Thus we have three kinds of cells, — day-cells or working-cells of about 750, night-cells of 400, and sick-cells of 1,000 cubic feet (a Danish cubic foot is a very little larger than an American).

Finally, there are bathing-rooms, with cold, warm and plunge baths, and besides these, there are in the prison itself, bathing-rooms for the prisoners who are well; these are regularly bathed.

The privies have been arranged in different ways. In Vridloesville, there is a water-closet in each cell, connecting with a great sewer. From each closet a pipe descends to a great sewer under ground, through which the fæces, by the force of the water, are driven outside the outer wall of the prison. During the ten years this prison has existed, not the least inconvenience has been felt from this cause. In prisons near or in towns where it has not been possible to make a sewer, the day-cells have in the wall, near the door, a space or opening into which the night-vessel may be put from the cell, and taken out from the corridor. From this opening there goes a small pipe in the wall up to the roof, through which the foul air escapes. In the common prisons, there are in each story privies, after the system of Marino, where the liquid is separated form the dry fæces, which last are put into barrels standing in the cellar. There are, also, urinals in the court-yards.

Each prison has its own kitchen and bake-house; the food is cooked by steam. There is also a wash-house and a drying room connected with it. The prisoners do the washing themselves. All the water, as well for the washing as for the bathing, is heated by steam.

The warming is, in Vridloesville, effected by heated water; in the female prison at Copenhagen, partly by steam and partly by stoves; the latter alone are used in the other prisons. The stoves are placed in the corridor. All the sick rooms are heated exclusively by stoves, in order to regulate the temperature according to peculiarity of the illness.

The prisons are lighted by gas. All the day-cells and the working halls are lighted up, but the prisoner is not himself mas-

ter of the gas-cock; this is affixed to the tube outside, in the corridor. The night-cells, on the contrary, are not lighted up; they only receive a feeble light from the corridor without.

The day-cells are furnished as in the jails. In most cases, however, there is used here, instead of a bed, a hammock, which is rolled up in the day-time and placed on the shelf. In the night-cells there are only a bed, a stool for the clothes, and a chamber utensil. The common working-halls are furnished according to the nature of the work. Each prisoner has his working-place, where the implements and tools confided to him are to remain. However, there is in each hall a large cupboard, with several compartments, one of which is assigned for the keeping of his victuals and eating utensils. Each has also a shelf for books, that may not be used during the hours of work. Moreover, there are hung upon the walls regulations for the daily order, the discipline, the necessary tasks, the earnings by extra work and the rations. Each working-hall has its overseer; in the cell prisons there is one overseer to every sixteen prisoners. Generally, all the functionaries of the prison have their dwelling there. In the prison itself, the overseers have apartments for their accommodation, generally two to one room. But the other functionaries, with the exception of the porter, live outside the prison, into which their families and domestics are not permitted to enter.

The other points to be noticed, with respect to our prisons may be treated under the following heads:

1. *The administration.* — All prisons are subject to the office for prison affairs, established immediately under the ministry of justice; its chief confers with the minister, and it is his duty to inspect as well the jails as the higher prisons, on whose condition he, every year, submits a report to the ministry. Every fifth year these reports are published. At the head of each prison stands a *director*, under him an *assistant* and a *first overseer*. Each prison has, further, a *book-keeper*, who keeps the accounts, and has the oversight of the work; a *steward*, who has charge of the food, the clothing, the inventory, and is also *cashier;* two *clerks;* a *porter;* an *overseer of the infirmary;* a *kitchen keeper;* several *male servants;* a *messenger;* twenty to twenty-four *overseers*, who have the immediate charge of the prisoners; and, finally, several *masters*, as well with respect to work as to building. For *surveillance* during the night, the required *outside special officers* are appointed;

only the latter are armed, though all the inferior officers wear uniforms. Military guard was abolished five years ago. In the female prison at Copenhagen are appointed a *directress;* a *superior female overseer;* sixteen to twenty *female overseers;* and a *special guard* for the night. The directress is subject to the director of the male prison. With the exception of the director, the chaplain, and the physician, all the functionaries are women. Finally, each prison has a *chaplain*, a *physician*, and *teachers* of both sexes. They are all subject to the director, who alone corresponds with the ministry.

2. *The pastoral care and teaching.* — An arrangement which I believe peculiar to our prisons is, that the congregation belonging to the church of the prison consists, not only of the prisoners, but of all the functionaries of the establishment, with their respective families, the female members of which have a place in the church, where they cannot be seen by the male prisoners. Before the eyes of the prisoners we receive the eucharist, as we also let our children be baptized and confirmed there. We and our families thus form one church community with the prisoners. The prayers and the chanting of hymns ascend in unison to Him before whom we all are kneeling, and for whose mercy we all alike supplicate. Formerly this was not the case. There were even special hymn books and prayer books for the prisons. Now the prisoners use the same hymn book that is used everywhere in the country, and which they have known and used from infancy. The old airs and the old hymns which they learned as children, now again — perhaps after the lapse of many years — are heard by them, and often call forth a longing regret for the time when sin had not yet tainted their minds. It is only by thus participating in all the services of the church that the prisoner will feel the full significance of the worship. By having as little as possible the feeling of being a prisoner in the house of God, where the officer is sitting not simply as his guard, but also as a member of the same flock, by dint of being placed under the same conditions with all others, the bitter and hard heart relents and softens, the affrighted and oppressed mind is raised and strengthened. And if this has a beneficial influence upon the prisoner, there is no doubt that it has also a good effect upon us, who are thereby reminded that we are all sinners, and that we ought not, with pharisaic pride, to presume upon righteousness in comparison with our imprisoned brethren. Not only

is it very seldom that disorders are committed in the church, but the fervor with which the prisoners participate in the holy actions, when we have our children baptized or confirmed, or when we receive the eucharist, proves conclusively that their hearts sympathize with our feelings. Every Sunday and holiday divine service is celebrated, at which it is the duty of the prisoner to be present; but, of course, he partakes of the Lord's supper only when he wishes it himself. Once a week the prisoners are exercised in singing hymns. In the cell prison the chaplain visits the prisoners; whereas in the common prisons, they have the opportunity to come to the chaplain, who, besides, visits the working halls. Once a week the chaplain delivers religious lectures, at which the attendance of the prisoners is optional.

Each prison has a good library, for the replenishment of which the state allows a certain sum every year. The distribution of the books takes place either by the chaplain or by the head teacher. The distribution of the religious books is only made by the chaplain.

In the cell-prison each prisoner receives instruction in the cell, and, in addition, two lessons a week in the school; but prisoners who have not yet reached the age of twenty-five years receive three lessons. In the common prisons, instruction is given only on Sundays. The attendance upon school is not obligatory here.

3. *Labor.* Labor and occupation are a necessary condition of the right exaction of punishment. From this point of view the labor is considered, but not as a source of income. The intention is, that labor shall serve partly to preserve and promote as well the bodily as the spiritual health of the prisoner, and partly to educate him for liberty. These are the only views considered in making choice of occupation, while pecuniary considerations prevail only as far as there is a question as to the kind of labor equally serviceable to the other ends named. And these views have, as regards the choice between letting the prisoner work for the account of the state or for that of private parties, determined for the latter. What is called the "contract system" has, especially in the last report of the prison association of New York, been subjected to a scathing examination. I shall not deny that the system, as it exists in your country, is open to much criticism, and I shall, therefore, somewhat at large, explain the reasons why, during the last ten years, I have aimed at getting the labor, as a

business enterprise, given into the hands of private persons; and I shall describe in what manner our relations to them are arranged in Denmark.

Before the reform of the prisons was commenced here, that is, till about the year 1840, the contract system partly prevailed, which, in one of our prisons (Viborg), was developed to such a degree that the whole establishment was let out on lease to a private citizen, who supplied the prisoners with food and clothes, and indeed provided for all their necessities, while he took the whole income of their work, and received, into the bargain, an annual allowance from the state. The director was nothing, while the contractor considered himself as the only governor, and that even to such a degree that he solicited the government to leave to him the annual proposal of pardons to prisoners qualified therefor, a request, however, that was not complied with. All the irregularities arising from such a contract system I need not mention. They were so great that the government from 1845 transferred the whole business of working the prisoners to the officers of the state. Masters were appointed, who received their pay from the state, and the superintendence of all the labor was confided to the director, who had a fixed annual salary, and, besides, a certain share in the profits of the labor. The chief occupation was making woolen-ware, as cloth, carpets, horse-cloths, under-jackets and stockings; also manufacturing linen cloth and twist stuffs, which articles were sold from the prison itself. To the pay of the administration and the officers, to the support of the prisoners and the repair of the buildings, the state, of course, gave annual allowances, whereas it paid directly to each prison a fund that was made fruitful in the best way possible. It soon, however, appeared that the benefits aimed at by this change were most insignificant, as well in a financial as in a reforming point of view.

In a financial point of view, the prison was placed on the same footing with every private manufactory. The establishment had, indeed, some advantages, particularly in the cheap labor, but it had far more difficulties, which it was almost an impossibility to overcome. It was, of course, like every other manufactory, subject to the exigencies of the times, but it was, as well with respect to the purchase of materials as to the selling of its goods, not able to use these occasions to the profit of the establishment; nay, it often happened that the prisons kept great stores of goods

unsold, which, in order to procure money for continuing business, they were afterward obliged to sell at any price, by public auction. Further, the goods made in the prisons were always of an inferior quality to those from private manufactories, where they had skilled workmen and better and more experienced masters; where both the locality and the machinery were better adapted to manufacturing purposes; and, finally, where steam power could be used, whereby the fabrics could be made more uniform than by hand. Thus there were years when a prison had only loss by the labor of its inmates; and the average profit a day for each prisoner was but three cents.

Such a financial loss the state, however, would have borne without murmur, had it really contributed to promote the discipline of the prisoners; but this was far from being the case. The director of the prison, who was made answerable for the success of the business, and who also was interested in it by receiving a share of the profits, became, in some sense, a manufacturer, who was tempted to forward the working at the expense of the moral improvement of the prisoners. It was an honor and a profit to get the utmost possible out of the labor; the least costly establishment got the preference; and the best prisoner was he who earned the most for the state. No doubt, the health of the prisoner was taken care of, for by that means the labor was forwarded; but his moral amelioriation was considered of little account, for all tending to that only caused waste of time. Thus, on a certain occasion when, on examining the register of punishments, I expressed my astonishment at a proportionally large number of corporal punishments, the director of the prison replied: "The lash saves, but the cell wastes, the time."

As the director, for the most part, did not understand manufacturing, and was thus a bad manager of the whole business, he was obliged, in that respect, to consult the masters and submit to their advices. The plan was tried in the prison at Horsens, when, in 1853, it was attempted, in the first instance, to meet these difficulties by appointing a first taskmaster, who had charge of the whole working of the prisoners. But it very soon appeared that thus there was created a most pernicious division of authority, since, in order to find an able first taskmaster, he must be offered a high salary, so that, at least in that respect, he was put on a footing with the director. The aim of the latter was the discipline; that

of the former the labor; and thus they often worked in directions opposite to each other. The labor, rightly employed, is a means for the discipline, and this agency ought, as every other, to be put exclusively into the hands of the director. This soon made itself evident, and after the lapse of but three months, the first taskmaster was dismissed and his office abolished.

I have shown how the administration, by managing the labor in the way of business, came into a false position as regarded its principal aim, and how the prisoner became the victim of this circumstance. I have before said that when the labor was made first, the clever workman was placed in the foremost rank. But it is well known that the cleverest workman is far from being the best prisoner. He who had repeatedly been in prison, and who understood the work done there, was, in that respect, far in advance of his comrades. He acquired a supremacy over the better prisoners, who were there for the first time, and this, of course, created dissatisfaction and a well founded opinion as to the injustice and selfishness of the administration. The whole principle gave the advantage to evil, and caused envy, ill-will and bitterness.

Another circumstance was, that, for financial reasons, it was necessary to have the labor in the prisons, as much as possible, of one and the same kind. Different kinds of labor demand different masters and a diversity of powers on the part of the director that cannot be expected. The result was, that the prisoners were taught a business for which, when set at liberty, they had no use, for Denmark is not a manufacturing country.

There are here very few manufactures, and they principally manufactures of cloth. The chief sources of income in this country are agriculture and sea-faring. Not one among a hundred was able, after recovering his liberty, to gain a livelihood by the trade he had been put to in the prison.

Finally, I must observe that here, as in other countries, well founded complaints arose, that the industry in the prisons, which went only in one or two distinct directions, were in a high degree injurious to free labor, especially by the forced sales of the products of the prisons that so frequently took place.

For these various reasons the aim has been, during the last ten years, to transfer the management of prison labor into the hands of private persons. To this end two methods have been adopted:

Either orders are accepted from private persons, who themselves furnish the raw material, in which case payment is made according to measure and weight; *or*, a certain number of prisoners are let to a citizen contractor for the payment of a certain sum per day for each prisoner. In the former case the contractor is entirely excluded from the prison, and the work is superintended by the masters of the establishment. In the latter case, where the work is supervised by the contractor's masters, a contract therefor is concluded between the chief of the prison department (not the director of the establishment) on one side, and the contractor on the other, of which contract the director receives a copy, for the regulation of his conduct under it. The *most important* items of such a contract are —

1. The duty is imposed on the prison to place a certain portion of the whole number of prisoners at the disposal of the contractor; yet the latter must submit to a temporary diminution of that number when a prisoner is sick, or is undergoing punishment, or becomes disabled from other reasons not to be foreseen.

2. With respect to the length and possible interruptions of the working time, the contractor is obliged to submit implicitly, not only to the regulations for the daily order and discipline of the establishment, such as those now existing or may hereafter be introduced, but also to the particular dispositions made in this behalf by the director.

3. No new kind of work must be commenced, and no new implement must be used, without the permission of the director.

4. The contractor has the exclusive right to have done in the prison the kind or kinds of labor introduced by him, so that in the same prison the same kind of work is not performed for more than one contractor.

5. The contractor supplies, for himself, all the machinery, tools and implements necessary for the work to be done.

6. The selection of prisoners does not at all belong to the contractor.

7. The promise is given to the contractor to retain, as far as possible, the prisoners once allowed to him; but the director is always at liberty, without giving any reason or indemnity therefor, to take prisoners away from the work of the contractor; the original number, however, is to be filled out again by other prisoners.

8. The prison is not at all answerable for the manner in which

the prisoners perform the work required or treat the materials or tools delivered to them, although, as a matter of course, the prisoner, for badly performing his work or for improper treatment of what has been intrusted to him, is to be punished according to the nature of his transgression.

9. The contractor is obliged himself to pay salaries to the master or the masters, who may be necessary in his view for managing his business; but such master cannot begin his task until he is accepted by the director, who must inquire into his former life. These masters have, with respect to the daily order and discipline, to submit to the director, just as if they were appointed in the service of the establishment. For breach of the daily order, the director can dismiss a master, and instantly exclude him from the establishment. Nobody, besides the contractor himself and his masters, is permitted to enter the prison.

10. For each prisoner, whose working abilities have been let to the contractor, the latter pays a fixed sum, every month, to the cashier of the establishment before the 3d day of the month. If this is not done by the 14th, the director is at liberty to give the contractor an immediate warning.*

11. In case a prisoner is taken away from work, on account of illness, after one o'clock P. M., the contractor pays for a whole day, but nothing, if the removal takes place before this time. If the director takes a prisoner away from work, it ought, ordinarily, to be done at the end of a working day.

12. For each prisoner who is fully occupied the contractor pays eighteen cents per day. To prove the fact of full occupation, a declaration, put down in writing by the book-keeper and the first overseer, is valid and obligatory on the contractor.

13. It is the duty of the contractor to give every year, if demanded, a report to the director in reference to the manufacturing operations of the prisonors employed by him.

14. Each master must, every week, on a day fixed for that purpose, give a report to the book-keeper of what each of the prisoners at his disposal has performed.

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* According to the later contracts, the payment is delivered, *beforehand*, the first of every month for the whole number of prisoners who, on that day, are working for the contractor, after which, at the end of the month, a final settlement for the month is made.

15. The amount of work required is fixed by the director, who, likewise, has to determine the earnings allowed to the prisoner for extra work, which are paid out of the cash of the establishment.

Besides the points mentioned, there are some of only local interest.

Such a contract as I have described is generally not concluded for a longer term than ten years. The contractor, as already observed, does not get a certain number of prisoners, but a certain proportion of the whole number, as this is ever changing.

In the choice of occupations, the discipline, the health, and the future of the prisoner are now the only decisive considerations. Care is taken that there be such a variety of occupations that each prisoner may have an employment suited to his peculiar aptitude and abilities. Thus we have, in our prisons, a multitude of different industries, as weaving of cotton and linen, lace making, needle making, weaving of stockings, manufacturing of crockery ware, sewing of gloves, cork and bung cutting, brush making, cigar making, planing of wooden threads (for matches and Venetian blinds), manufacture of wooden blinds, weaving of cocoa fibres for floor carpets and mats, the making of swimming girdles, etc.

In this way about 80 per cent of our prisoners are occupied. The remaining 20 per cent are employed by the state itself, of which I shall give an account hereafter.

In the prisons best situated for the purpose, we have some machinery for the manufacture of cloth. In one are made all the woolen stuffs for the clothing of the prisoners; woolen jackets, stockings and blankets for the beds. In another establishment is made all the linen clothing. Generally, prisoners who had previously been artisans, continue their trade for the account of the state, in case they are likely to continue it when they have recovered their liberty. In the service of the establishment are thus employed a quantity of tailors, shoemakers, joiners, smiths, masons, wooden shoemakers, tinkers, etc.

Picking tow and feathers is only used either as an employment for new-comers, or for aged persons who cannot be employed in any other way, or as a disciplinary punishment.

Finally, a portion of the prisoners are, as is customary in other countries, employed in the prisons in domestic services.

At the prison of Horsens, into which, as before mentioned,

prisoners are sentenced only for a long term of years or for life, there is, as I have stated, a considerable area of land, in the cultivation of which prisoners are employed during the last years of their punishment; or, if they are prisoners for life, when ten years of punishment have been completed; on the condition, however, that the prisoner has behaved well.

From the species of contract system described above, we have not, as yet, experienced the least inconvenience. The ministry seeks, as it appears from the rules in the contract, in every manner to maintain the authority of the director; but, on the other hand, it shows the contractor all possible complaisance, in order to facilitate his business. The prison administration and the contractor are on very good terms with each other. They are all, by their own wish, of course, members of the prison societies for assisting prisoners when set free; and they have helped many a prisoner, on whom they have bestowed their good will, and procured employment for him in free society.

In a financial point of view, we have also made considerable advance. Formerly the average profit of the work was only three cents a day for each prisoner. Now we gain, in the congregate common prisons, for each prisoner, almost ten cents, and in the cell-prisons, eight cents every day, net proceeds.

4. The *dietary*. The food supply ought to be a means, in the hands of the administration, to give weight to the punishment, and to forward its aim, which is the moral improvement of the prisoner. In our prisons the food is required to be wholesome, clean and sufficient, but frugal — more frugal than that which the common laborer in society is generally able to procure. The state provides the dietary of the prisoners, and realizes no profits except from the labor used by contractors. The meals are cooked and the bread baked in the prison.

Dinner is the principal meal of our prisoners, and is as follows:

Sunday, alternately peas and bacon, or soup and beef.

Monday and *Thursday*, groats boiled in water, and herrings.

Wednesday, peas on salted horse-meat, together with the meat.

Tuesday and *Friday*, rumford soup, with groats and potatoes on horse-meat, together with the meat.

Saturday, cabbage on salted horse-meat, together with the meat.*

* Horse-meat, in this country, is eaten only by the poorest portion of the people.

Besides the dinner, there is allowed to each prisoner every day two pounds of rye bread during the winter (from the 1st November to the 1st May), and one and one half pounds during the summer; one-half "pot" (one-half pint) of beer in summer, and in winter one-quarter pint additional of warm beer, which is given early in the morning.

As a matter of course, the physician can prescribe the food he finds necessary for his patients. The prisoner may augment and improve the ordinary fare by his earnings from extra work, of which he is at liberty to use one-half, the other half being laid aside till he is set at liberty. The first half is not paid to him in money, but, on a certain day of the week, the overseer writes down what he wishes delivered for it. The articles which he is permitted to buy are bread, butter, milk, cheese, herrings, sugar, chewing tobacco and snuff.

5. *The clothing.* This consists, for the men, of a linen shirt, a woolen jacket, waistcoat and small clothes, of *uniformly* gray stuff (until 1866 the half part of the clothes were gray, the other half a yellow), long woolen stockings, a blue linen neckerchief, and slippers with wooden soles. For the women, a linen chemise, linen bodice and drawers, a woolen under petticoat and a woolen gown of uniform gray, together with a blue linen cap and neckerchief, woolen stockings, and slippers with wooden soles. The physician prescribes woolen drawers when it is necessary; nearly all the old prisoners have them during the winter. Linen and stockings are changed every fortnight, sheets every fourth week.

6. *Cleanliness.* The prisoners are strictly obliged to cleanliness. As already mentioned they are regularly bathed. Every prisoner has his comb and his towel, and gets soap every week. The domestic cleanliness is not better in any private house.

7. *The annual expenses of the prisons.* As it perhaps might be of some interest to the people of the United States to know what our prisons cost us *every year*, I will give the average annual expenses for the last five years:*

Dietary, per prisoner,	$19 77
Clothes, per prisoner,	5 84
Bed clothes, per prisoner,	1 09
Warming, per prisoner,	2 55

* Corn prices have been very high here the last few years.

Lighting, per prisoner,	$2 92	
Cleanliness, per prisoner,	1 20	
		$33 37
The administration,		31 75
Building and inventory,		4 01
Sundries,		3 75
		$72 88

Here, of course, no regard has been paid to the interest of the sum expended in constructing the buildings and procuring the inventory. It is only the annual expense for the salaries of the administration, the keeping of the prisoners and the repair of the prisons. When, however, the average income from the labor of the prisoners is deducted from this, which is $33.11, the annual cost to us of a prisoner is $39.77.

8. *The statement of accounts.* — Each prison has, as already mentioned, its cashier: the book-keeper is the officer to whom the management of accounts is intrusted. The director must approve of every expense. He signs his assent to each bill that is to be paid. The cashier is not permitted to have in his charge a greater sum than about $600. All over that amount is in a safe, to which the director and the cashier have each a key.

The amount necessary for the current expenses, as wages, the subsistence of the prisoners and the repair of the buildings, is apportioned every month by the superior administration, and paid by the fisc which, on the other hand, receives by the 5th of every month all the income of the prisons. Every month a statement of accounts is made, and sent to the superior administration, in the office of which a statement of accounts is made for all prisons. It is the duty of the chief to take care that the sums voted by the representatives of the people for each account are not exceeded.

These accounts are. 1. *The administration* (*a*, wages; *b*, the food, uniforms, washing and all other entertainment of the overseers. Only the inferior officers have these things *in natura*.) 2. *The keeping of the prisoners* (*a*, dietary; *b*, clothes; *c*, bedclothes; *d*, warming; *e*, lighting; *f*, cleanliness). 3. *The buildings and inventory.* 4. *Sundries* (*a*, fixed, and, *b*, unforeseen expenses). 5. *Provision for labor* (*a*, for purchasing raw materials; *b*, for repairing machines and tools; *c*, expenses by the labor, to

which belong the extra work-wages to the prisoners). 9. *The order of the day.* In the *common* prisons it is as the following: At a quarter to 5 in summer and a quarter to 6 in winter, the prisoners are awakened by a bell. A quarter of an hour later they must be dressed, and the prisoners belonging to each division* are let out in two parties to the wash room, after which they are conducted to the working hall and reviewed by the overseer. One of the prisoners reads a morning prayer, and then the work commences. This is continued until evening, at 8 o'clock, with the following interruptions: From half-past 7 until 8 o'clock, breakfast; 12 to 1, dinner; 5 to 5½, afternoon luncheon. At each of these intervals of labor, as well as morning and evening, the prisoners get an opportunity to make use of the latrines belonging to the different divisions. Both in the forenoon and afternoon the prisoners are in the court-yard, half an hour either time. They here take exercise, but not in any fixed order, or at the word of command, as is customary in the German prisons. Such forced exercise will scarcely be a real recreation. Breakfast and afternoon luncheon are taken in the working hall, but dinner is eaten in the corridor outside the night cells, where there are dining table and chairs. To each division belongs, besides the large working hall, a smaller working room, appropriated to prisoners who either are quarrelsome, or, for purposes of discipline, are put under a greater constraint. Two prisoners are not permitted to be alone together; they must be either one, three, or more. At 8 o'clock, when the working time is over, the prisoner has half an hour for arranging his work and gathering up his tools, after which the prisoners are drawn up in order; one of them reads the evening prayer, and, when the overseer has reviewed them, they are led to the night cells, where they may not carry with them any of their tools or any thing else, unless they have been expresly permitted to do so.

In each working hall two of the prisoners alternately keep watch every week. It is the duty of the watch to take care that nothing of the inventory suffers any damage, that no panes of glass be broken, etc.; they must always be the last in the hall, when the prisoners are conducted to the court-yard or elsewhere. They are made answerable for every disorder of such a nature

* It will be remembered that the prison is divided into different companies of about twenty persons each, and that these companies are separated from each other.

that it must have been impossible for them not to perceive it. It is not demanded that they shall be informers; and still less are they employed as spies (every system of espionage, as being fatal to mutual confidence, I consider demoralizing and to be rejected), but the intention is,—what, also, generally has been attained,—that the real offender make a confession, or that the other prisoners, when they know him, give information rather than see the innocent punished. On a black-board, in the hall, the numbers of the two prisoners who act as watchmen are noted. I very well know that it is dangerous to let one prisoner be the superior of another; that in this way hypocrisy, false denouncements and other evils are engendered; but it will be perceived that this watch is not allotted to any one as a trust, but rather as kind of municipal burden, laid upon every prisoner in his turn. A prisoner who cannot follow this order of the day does not remain among the division. If old age or a crippled condition is the ground of his disability, he is removed to a division destined only for invalids, where the order of the day is modified according to the exigencies of the case. On the other hand, if sickness or external wounds are the reason, the prisoner, when unable to work, is consigned to the infirmary where, as already stated, there are solitary cells for malingerers; for real invalids there are common sleeping-halls.

The order of the day in the cell prisons is quite the same with respect to the working time, only this is shorter, because the prisoner receives instructions on the working days; whereas the common prisoner, as already mentioned, comes to school only on Sunday.

10. *Punishments.* Until twenty years ago the different prisons followed different rules with respect to the exercise of the punishing authority. The most common punishments consisted in bodily correction either by the cat or the colt. The cat consists of nine thin threads, with three knots on each thread; the colt is a piece of pitched rope, one and one-half inches in circumference. The cat is applied on the naked back, but the jacket and the shirt are between the colt and the back. The greatest number of strokes was twice twenty-seven, divided so as to be given on two successive days. Besides these punishments, there were crooking — that is, tying in a crooked attitude from four to twenty-four hours — and solitary confinement not exceeding fifteen days, either combined with a ration of bread and water or without such addition. The bodily punish-

ments were inflicted in the presence of the other prisoners, the offender being fastened to a pole standing in the midst of the prison court and called the punishing pole. Prisoners who had tried to escape were, during the night, fettered to the bed, and in the day-time they either wore chains or a wooden block at the leg; their hair was cropped and in furrows, that they might be known if they should succeed in escaping. Ungovernable prisoners either got a kind of screw, by which the thumbs were fastened to each other on the back, or a common strait-jacket.

On the 3d of December, 1850, there was enacted a law for all prisoners, fixing the punishments which the director is allowed to inflict, when he does not consider the offence committed serious enough to be submitted to the common court of justice. The provisions of this law are as follows:

1. Bodily correction of cat, not exceeding twenty-seven strokes; colt or rattan for men above eighteen years, the same number of strokes; not exceeding eighteen strokes of rattan for women above fifteen years, and for male persons between fifteen and eighteen years; children not above fifteen years may be whipped to the limit of eighteen lashes.

2. Bread and water, not exceeding fifteen days; this punishment to be undergone in solitary cell.

3. Confining, not above six months, to a solitary cell, with or without work; but, if without work, not for a longer time at most than four consecutive weeks, then to be followed by an interval of at least one week.

Bodily correction must not take place until the physician has declared that the prisoner can endure it without injury to health. It must be inflicted in the presence of the director; but the prisoners are not allowed to witness it. Every prisoner who suffers such a punishment must be immediately thereupon removed to a solitary cell till the following day.

Bodily correction is, generally, only to be applied when kinder means have proved insufficient.

Every punishment is, together with a statement of the character of the transgression, to be entered in a register provided therefor by the superior administration for prison affairs.

It must be remembered that this law, which still exists in full vigor, — so severe, especially with respect to bodily punishments, — was enacted at a time when the reconstruction of our prisons and

the building of the new had not yet taken place. These repairs and new erections having been accomplished, the law now stands as a gloomy memento of the times when the state sought, by bloody punishments, destructive of health (for such the cat and the colt were), to put a stop to the license which it had itself provoked by buildings deficient in point of security and fit arrangements, by bad and insufficient supervision, and by neglecting all endeavors toward moral improvement.

By the better arrangement of our present prisons, a multitude of transgressions have vanished as a matter of course, and, as a consequence, their punishment as well. To say nothing of the inner cell prisons in the common congregate prisons, the effect of separating the prisoners into different divisions is, that they can be more easily governed, and the consequence is that severe punishments have almost entirely disappeared. It is as if a good spirit had entered our prisons; and, as a proof of it, I may state that, in Horsens, where we have only prisoners on sentences from seven years to life, the divisions in generous rivalry of each other seek to avoid punishment. Thus there are divisions where, for years, not a single offence against discipline has been committed.

Formerly it was thought a good state of things when only thirty per cent of the prisoners were punished. In these later years we have brought disciplinary punishments down to six per cent.

Bodily correction is now very seldom used, especially on women. Generally, it is employed only on prisoners who venture an assault upon an officer,* or young male prisoners below twenty years of age, when they show a high degree of resistance or a shameless and immoral behavior; and in that case, I must confess, I prefer this kind of punishment. As the wild animal cannot be tamed when it does not feel that its master has complete sway over it, so there are prisoners who, on account of their savage and wicked temper,

* Of murderous attacks, only five have taken place during the last thirty years; one on a director, two on physicians, one on a master, and one on an overseer. None of them succeeded. Two (those on the director and on the overseer, the latter only three years ago) were punished with death; and in one of these cases the execution was performed in the court of the prison, before the eyes of the other prisoners. With respect to the three other attacks, where there were extenuating circumstances, the punishment was 27 strokes by the cat, and labor in prison for life. Upon the whole, resistance against an officer is punished very severely, when the latter has not himself given the occasion by his own imprudence.

can be governed only when the colt is hanging above their heads. It is possible that such a prisoner can be bent by more lenient punishments, but then they must be used so often that, at last, he grows weary of them, and, during the time employed in this way, he has given the other prisoners a bad example and hardened his own mind. To this should be added that, as the prisoner must feel the power above him, so the administration must feel that it has itself the sway. Does the administration feel its want of power? Then it loses its courage and activity, and grows indifferent.

11. *Rewards.* I have said above, that formerly, when the prisons were badly arranged and the supervision slight and not to be depended upon, it was *sought* to repress disorder by severe bodily punishments, for really the object was not attained. By frequent use of corporal punishment, such punishment, as said so often before, loses its power. As the punishments were inflicted before the eyes of the other prisoners, the delinquent made a point of bearing it without wailing, and he was looked upon as a hero and a martyr. And how often was he not really, in a certain point of view, a martyr? For often the punishment was inflicted, if not upon the quite innocent, yet upon the less guilty. The sly prisoner laid the plan and induced the simple or easy-minded to execute it. Denounce the real author of the offence the punished prisoner did not; for, in that case, the punishment he might expect from his comrades would be still worse than that inflicted by the administration.

What, especially, could not be effected by severe punishments was diligence in work. As to this point the administration felt its want of power, and it was then obliged, as is the case with all feeble governments, to buy what it could not obtain in any other way. Menaces did not do; consequently it must bait. As baits — for another name I cannot give the rewards then in use — they had, in the first instance, the earnings by extra work, giving to the prisoner, for what he performed beyond the daily obligatory work, a too considerable share of the profits. They made a conclusion quite right for the time: We procure tranquillity to ourselves, we render the prisoner diligent, and we have ourselves a profit by it; for by his earnings we earn also. The earnings of the prisoner were paid to him in ready money, and, for the most part, were eaten and drunk, or gambled away on Sunday, for in that manner the Sabbath was celebrated.

That there was given the prisoners an extra meal on the birth

day of the king cannot be considered a reward, and still less that they were permitted, or, what was worse, connived at, in procuring themselves a little merriment. Thus, I remember that the first time, twenty-five years ago, I had obtained an appointment from the prison at Viborg, I was, on a carnival Monday, asked by the prisoners to witness their merry-making. At that time, the prisoners were still in possession of their personal clothing, which they mutually lent to each other, in order to represent caricatures, partly of themselves, partly of their superiors.

The only rewards given individually were pardons, of which the director* every year, on the king's birthday (possibly you know that Denmark, until 1848, was governed by sovereigns with unlimited power), made and still makes proposals to the ministry of justice. But how were the pardons disposed of? Generally, they were only given to prisoners condemned for life. What was chiefly taken into consideration was either the greater or less danger to society of the crime committed, or how far the person concerned could procure for himself or get through others a sustenance without being a burden to the community, or whether he could obtain the means to leave the country — considerations that were all from the social point of view. The length of time he had passed in the prison was also taken into consideration, as well as the behavior he had shown there, in which last respect, indeed, it was only required that, during the last year, he had not been punished for any breach of discipline. For the rest, prisoners for life were only pardoned — which is still the case — on condition that if they again commit transgressions of the law, which do not draw a greater punishment upon the perpetrator, they are, without any judgment, to be delivered up to labor in prison for life.

As the present better arrangement of our prisons has, in part, superseded the severer punishments, so the effect of this has also been, that the inconvenient and demoralizing liberties formerly allowed to the prisoners have entirely ceased. The earnings by extra work have been lowered. They are kept as a stimulant to diligence, and to the end that the prisoners, when they are set at liberty, may be possessed of a little help in need, and in that respect they may be considered as a reward; but, as

* No prisoner in this country is permitted to send in himself a petition for pardon, though such petition may be sent in from kindred or friends, which often occasions arbitrary measures. The king alone has the right to pardon.

the proportion of earnings is the same at each stage of the punishment, being the same the first day as the last, and as they are only given for diligence shown, they are distributed in an unequal manner, since sometimes the most corrupted gets, or may get, the lion's part. In granting pardons, the behavior of the prisoner is, indeed, now mostly taken into consideration, and so far they are certainly rewards; but, as they still generally fall only to the lot of prisoners for life, or for a great many years, the goal is too far off to induce the prisoner, at least during the earlier part of the punishment, to aim at it.

What is it, then, that we hitherto have struggled for and obtained? It is to teach the prisoner order, cleanliness, diligence, obedience — in short, we have disciplined him. We need no longer severe punishments, and that, certainly, is a step in advance. In other words, we have educated the prisoner to be a good *prisoner*, but it is still a desideratum to make him a good *citizen*. We have ceased to punish, but we have neglected to reward, at least in the right way. For rewards, real rewards, given gradually, not for diligence alone, but on account of the whole moral behavior, and granted in the shape of greater liberty, by which the will is both strengthened and tested, by which the prisoner is educated for liberty, a boon which he can obtain only by his own struggles,— such rewards we have only, in the very latest time, tried to introduce into our prison system as an element of the discipline. How far we have advanced in that respect I shall, hereafter, endeavor to show.

In the report of the New York prison association for 1867, in an article on "preparatory liberation," Cicero's words,— "*præmio et pœna respublica continetur*,"— have been applied as the fundamental condition of every prison reform. They are true words, and might serve as an encircling motto in the seal of every prison reform. It is the thought that lies in these words which I have sought to realize after our prisons have been reformed; for this reform was a *conditio sine qua non*.

The theory of the penal laws is the same in our country as that which now, fortunately, prevails in all civilized states: The punishment must be suffering, a just retribution for the crime committed, but it must be exacted in such a way as to aim at the amelioration of the criminal. The punishment is the first thing that must be suffered; but the intention of the punishment cannot always be

obtained; for, in the first place, the criminal may be too obdurate to be influenced, or, secondly, the time of the punishment may be too short for rendering possible any improvement. On the other hand, the time of punishment — as punishment is now often inflicted — may be too long, because the uniformity of the infliction, its wearing monotony, often stuns instead of strengthening, nay, oft-times even destroys in the end what it had at first effected. But this latter circumstance can and ought to be avoided.

The punishment itself now consists in being deprived of liberty for a longer or a shorter time. This deprivation of liberty may, however, be made more or less intense, and we have, in Denmark, at present, three degrees: absolute solitude day and night; solitude during the night, but association in the day time; and, finally, association day and night. In each of these degrees there are, again, several stages. Thus, there is absolute solitude, both with and without stalls (in the church, the school and the court-yard); and as regards punishment undergone in association with others — whether night cells are used or not — there are several stages, the prisoners being occupied either in the working-hall or outside of it, and also in the court-yard, either within or without the outer wall. And all these stages, again, are multiplied by a more or less severe discipline, by a coarser or a better dietary, by a smaller or greater proportion of earnings, etc. We thus see the privation of liberty in innumerable forms, from the solitary cell where the prisoner, in his coarse, dishonoring clothes, with some boards for his bed, with the meanest fare, without any wages for his work, and closely watched, can see, through the iron-barred windows, only a little spot of sky — to the intermediate prison, where the prisoner is in association with his comrades day and night, working in ordinary citizen clothes, in the open field, for wages, by which, almost at his pleasure, he can better and augment his food, seeing and speaking with free men, where no searching eye follows and no inclosing prison wall cramps the freedom of his movements.

When I saw, for the first time, the manufacture of paper, I was first conducted into a shed emitting an offensive smell, and full of soiled linen rags; and, immediately from that place, I was conducted to where the last stage of the manufacture was performed, and the finished paper was developed clean and white on the bright roll. I could hardly believe the change, and was only convinced when I saw the fabric in all its successive stages, and I could but admire

the ingenuity of the master. Not less would he wonder who — having first contemplated the desperate criminal, given over by himself and others, with scowling look, with lips pressed together, with dark, clouded brow, and with a soul as foul and dingy as that shed in the paper factory, daring in his dark, bolted cell to defy both God and man — should afterward see him led out into the open field under the bright sky, and should observe how the formerly unhappy criminal there worked with an open look and an unclouded brow, with thanks on his lips, with peace in his heart, with faith and hope in his soul, and without any other guard than himself. In truth, he who saw such a change would, wondering and doubting, look nearer at the admirable machinery that had performed such a work; and he would, after having convinced himself that all this was a reality, praise the glorious work of Crofton.

Knowing, as you do, Mr. Secretary, so exactly this work, in each of its progressive stages, where every little wheel has its special purpose, you also know what is its real essence, and that, indeed, by a wise mechanism, it creates itself the punishments and the rewards by which the prisoner is *forced* into submission, is *led* through knowledge and repentance to find his better self, and is *encouraged* to preserve and strengthen what he thus has found, by which means, after having been suffering and *passive*, he becomes joyfully *active*, and after being wisely governed, learns to govern himself, until, struggling forward and forward, he at last reaches the liberty which he now knows how to appreciate, because he has gained it by his own exertions.

To keep the prisoner always on the first step, that is, in the cell, would be wrong, not only because the suffering would become too great, but also because thus there would, at best, only be nursed a feeble and thin spray, unfit to be planted in the open ground. There would be only monks educated for the convent, not citizens trained for free society. It would be quite as wrong to begin the punishment by placing the prisoner on one of the more advanced stages, firstly, because companionship would make the suffering less felt, and, secondly, because the prisoner would not have attained to this stage by his own efforts at improvement. He might, perhaps, be led to be an active and laborious man who, when set at large, might gain house and fortune, but his house would be built on the sand, which storm and rain would be able and, indeed, likely to

ruin. No link of the chain may be leaped over; but it is not involved in this that the prisoner, when his sentence is short, shall be able to go through all stages. By this the levity, fickleness and infirmity of will, that are the misfortune of most prisoners, would only be fostered, and they would be sure soon to be brought back again to the prison.

Therefore, it cannot be doubted that a punishment of long duration ought not to be undergone continuously in a cell; yet the cell ought, on the contrary, to be the commencement of all punishment, and the shorter the sentence the fewer stages of the punishment should the prisoner have an opportunity to go through. On the other hand, there may be, according to the different circumstances of different countries, differing opinions as to the manner in which the successive changes from the cell to partial liberty are to be regulated, and as to the duration of the stay in each of the successive stages. According to my opinion, there ought, as regards the determination of the shortest and longest stay in each stage, to be a considerable range, so that, as far as possible, there may be an opportunity to treat the prisoner according to his personal peculiarities.

I have before said that it was ordained in this country, by a royal decree of 25th June, 1842, that punishments of short duration should be undergone in cells, but those of long duration in congregate prisons. It was an *either-or*, a combination of both being then quite out of the question. Punishment in cells was at that time believed to be the only right and infallible method, which ought to be applied to as great a number of prisoners as possible; and only when too long sentences prevented this, was the congregate system employed, the person who entered a prison of that description being considered as an *enfant perdu*. According to this dualism our Danish prisons have all been constructed, and by it the provisions of our penal law have been fixed, every cul prit who is sentenced for more than six years being confined exclusively in a congregate prison, and every one for *less than* two years in a cell; but persons sentenced to a punishment of between two and six years are, in the discretion of the judge, delivered either to the cell or the congregate prison, according as the judge thinks there is hope of their amelioration or not. By this means the advantage has been obtained that there are three different classes of prisoners, each requiring a peculiar treatment, for which reason I have separated these three classes, placing each in its own prison. These three classes are, then:

A. Cell prisoners, sentenced from eight months to six years. These are prisoners who have either committed a slight transgression, or are punished for the first time, or are young of age, from all of whom an improvement may be expected.

B. Congregate prisoners, sentenced for from two to six years. These are, as stated above, prisoners who, indeed, have committed no great crimes, but are of advanced age; who have been previously punished; and who constitute the regular population of the prisons.

C. Congregate prisoners, sentenced from six years to life. These are what are called great malefactors, but among them are found many, in whose case the crime committed has not at all its origin from a depraved nature.

These three classes are now, as already stated, treated in different prisons, and the treatment allotted to each class I shall now specify in detail, premising that the annual average number in the first class is 380, in the second class 100, and in the third class 30.

A. Cell prisoners from eight months to six years. The length of sentence is here diminished in a regular way, so that a punishment of eight months may be reduced to six months; one year to eight months; one and a half year to one year; two years to one year and four months; three years to two years and four months; four years to two years and six months; five years to three years and six months; and six years to three years and six months.

This punishment is inflicted according to the absolute cell system, with stalls in the church, the school and the yard. As early as December, 1859, on the introduction of cell punishment in this country, I decided upon graduating the punishment, and introduced four degrees, relating however, for the most part, to the proportion of earnings to be allowed to the prisoners: First degree until three months (for recommitted criminals six), with no wages. Second degree until six months, with two *skilling* a day (one cent being equal to one and three-quarter *skilling*). Third degree until one year, with three *skilling* a day, and fourth degree until one year and nine months with four *skilling* a day. Recommitted criminals can only advance to the third class. Promotion to a higher class depends not only on diligence in work, but also on progress in the school and on behavior.

The bad consequences of a long cell-punishment, according to the absolute system, have appeared here as in other countries; and I therefore, in 1865, sent to the ministry a proposition for another arrangement of this punishment, by which I aimed at a gradual progress

from an absolute to a relative cell-punishment in such a way that the prisoners in the third stage should come together in the church and the school, and those in the fourth stage in the court-yard also. As this differed from the provisions in the new penal law, the ministry dared not entirely adopt my proposal, but it gave permission that from the 1st July, 1866, there might be employed, in this punishment, four stages, as follows:

First Stage.

1. No wages.

2. The shortest stay for prisoners who have not been committed before is three months, otherwise six months. The time a prisoner has been sick is omitted from the calculation.

3. If a prisoner is punished for a transgression committed in the prison, he cannot advance into the second class until *one month* after the punishment has been undergone.

4. The prisoner receives instruction, but not *outside* the cell. Every person *below* forty years is obliged to receive instruction. If he is *above that age*, he is instructed or not at his own option.

5. He has no books from the library,* and no other writing materials than slate and pencil.

6. The possession of any thing besides *what is allowed by the regulations* is forbidden.

7. The prisoner is permitted to write *one letter* every third month, but he *cannot* receive the visits of any one who does not belong to the establishment.

Second Stage.

1. The wages are two *skilling* for every working day.

2. The shortest stay is six months.

3. If the prisoner is punished, he cannot advance into the third class until *six weeks* after the punishment has been undergone.

4. The prisoner receives instruction in the school, separated from other prisoners.

5. The prisoner is permitted to get books from the library *every other week*, and, besides, slate and pencil, *paper, pen and ink:* yet only on *Sundays and holidays.*

6. The prisoner is permitted, with the half-part of his wages, to buy, besides victuals, a looking-glass and an almanac. The other moiety of the wages is laid aside till his liberation.

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* Yet it will be remembered that each prisoner is provided with a New Testament and a prayer-book. Nor are other *religious* books excluded.

7. A letter may be written *every other month*, and *just as often* visits may be received from without.

Third Stage.

1. The wages are three *skilling* each *working* day.

2. The shortest stay is *twelve months*.

3. If the prisoner is punished, he cannot be promoted into the fourth class until *three months* after the punishment has been undergone.

4. The prisoner may get books from the library *every* week, and may have, besides, paper, pen and ink, and *drawing materials*, yet only on *Sundays and holidays*.

5. The prisoner may, for the half part of his wages, *with the further permission of the director*, buy useful things, and may also send to his family a portion of his other half-earnings.

6. The prisoner may have in his possession pictures of the family that he has brought with him, or that have been sent to him.

7. The prisoner is permitted to write a letter every sixth week, and *just as often* to receive the visits of his family.

Fourth Stage.

1. The wages are four *skilling* each *working* day.

2. Besides the encouragements accorded to the prisoner in the first three stages, he may, with the further permission of the director, receive others, if he continues to behave well and they are in accordance with the order of the prison.

Such encouragements are: permission to have flowers or a bird in his cell; to be possessed of things he has brought with him to the prison — for instance, a watch, compass, etc.; to make himself tools, clothes, etc. Further, the prisoner is permitted to come out of the cell, *first, at particular times of the day*, to perform several domestic services, as cleaning the church, the school room and other parts of the premises, cleaning and airing the bed-clothes; *later, the whole day*, to whitewash and repair the buildings, and to do other sorts of labor that can be done in the open air (for instance, dressing stoves and sawing wood), for which the prison has twelve solitary working yards; for if he is taken out of the cell, it is only on the condition that he be alone.

3. The prisoner is permitted to write a letter *every month*, and *just as often* to receive visits.

Though these progressive ameliorations are not great, yet they have brought a life and vigor into the punishment hitherto un-

known, and they have been of utility, partly by sharpening the short, partly by softening the long punishments. The prisoner has an aim to struggle for, and he has also something to lose, for if his behavior is bad, he is removed to a lower class, and if he commits a fault, he must, according to the above determination, remain longer in the class in which he is. A greater measure of liberty, by which the will is tried and strengthened, is, on the other hand, not given until the fourth stage, consequently not until after a period of one and three-fourths of a year,— somewhat too long a time, without doubt. However, I should observe, it is only a small number of prisoners who suffer a long cell-punishment. According to the shortening of the punishment, seventy-five per cent are imprisoned one year and less; twenty per cent from one to two years; and only five per cent more than two years.

I consider it of great importance to secure frequent visits to cell prisoners, and for that purpose I have made the following arrangements: On a certain day of the week (each Wednesday) the director holds a meeting of the functionaries of the prison, consisting of the assistant and the first overseer, who have charge of the discipline; the chaplain, who has the pastoral care; the physician, who has the sanitary inspection; three teachers, who perform the instruction; the book-keeper, who has charge of the labor; and the cashier, who has the clothes and the inventory under his care. The functionaries are required to visit all the prisoners in the course of each month, though they are not bound to a certain number every day, but they must, at the weekly meeting, deliver to the director a register of the prisoners whom they have visited during the previous week, and note what they have observed in respect to each prisoner. The deliberations of the meeting, which are led by the director, are recorded in a register by one of the teachers as secretary; and this record, when the meeting is over, is signed by the director. The subjects of these weekly assemblies are:

1. *Records touching the prisoners lately brought into prison.*

With each new prisoner there comes from the judge a copy "*in extenso*" of the judgment pronounced against him, with a statement of his "*personalia*" (age, position in life, birth-place, family circumstances, description of person, etc.), and a certificate, relating to the state of his health, from the physician of the jail where he has been detained. All this is, immediately on the arrival of

the prisoner, entered into the ledger kept by the director. But the prisoner is not mentioned in the meeting until one month after his arrival, in order to give each of the functionaries an opportunity to make his acquaintance. The above mentioned functionaries must, every week, alternately, partly according to the before mentioned documents, partly from the prisoner's own statements, give a record of the life he has hitherto led, in which is stated the motive of the crime committed, and a judgment is given as regards his whole personality. On the day the prisoner is first mentioned in the meeting, all this must be entered in a register arranged for that purpose, in which each prisoner, as he arrives, gets his folio, in which the chaplain, the physician and the first teacher put down their first observations touching the religious knowledge of the prisoner, the state of his health and his cultivation of mind, and in which, also, is entered what work the book-keeper has put him to, after consultation with the director. All this is read aloud in the meeting, and in the register are then added the different opinions and further observations, to which each functionary may be prompted.

2. *Records concerning prisoners when they have been in the prison three months, nine months, and so on, with an interval of half a year.*

All that has taken place with the prisoner, since he was mentioned the last time in the meeting, is read aloud, particularly all that concerns his behavior, his diligence, as well in the school as in work, and the state of his health, in reference to all which there are made additional entries every month, so that there is in existence a complete record of each prisoner during the whole time of his punishment.

3. *Judgment about prisoners in reference to an advance into a higher class.*

With respect to this there are, indeed, in existence positive testimonies about his diligence in work and his proficiency in the school; it is, therefore, his whole behavior that is taken into consideration, viewed on every side. The director decides whether the prisoner in question shall be promoted or not. If the latter alternative takes place, the case of the prisoner is discussed again at whatever time the director fixes upon.

4. *A register is produced of the prisoners who, their sentence having expired, are to be set at liberty.*

All observations concerning the prisoner, put down in writing, are gone through once more, after which is added the final estimation formed in regard to him. As the resulting consequence, resolution is taken whether he is to be recommended to the care of the prison society, in which case the necessary information is given to the president of the society.

Since the first of April, 1865, an attempt has been made to show the effect of the punishment on each prisoner, by putting him, when he is set at large, into one of the following seven classes:

(1.) Prisoners in whose case repentance had already appeared on their arrival at the prison, and who, during their imprisonment, continued honest efforts for improvement.

(2.) Prisoners on whom the punishment had a sensibly improving effect, and in whom a visible self-originated activity was observable, so that there were good hopes of their complete rescue from crime.

(3.) Prisoners who were, to some extent, influenced for good, but yet doubtful; either because the time of punishment was too short, or because earlier evil inclinations were strong, so that from these reasons a relapse might be apprehended.

(4.) Prisoners of unquiet, licentious, passionate, sometimes violent natures, in whom the punishment only produced occasional or short outbursts of good feeling.

(5.) Prisoners of a dull, unimpassioned or indifferent temper, whose equanimity was never ruffled, and on whom the punishment had no appreciable effect.

(6.) Prisoners of slack, enervated mind, who were wholly wanting in vigor and self-command, and whom solitude, if possible, made still more nerveless and feeble.

(7.) Base, sordid, thoroughly corrupted prisoners, who, when they are let loose, are possessed of a visibly bad will.

The proportion hitherto falling into each of the above classes is as follows: first class, 5.10 per cent; second class, 12.02 per cent; third class, 29.15 per cent; fourth class, 2.09 per cent; fifth class, 35.56 per cent; sixth class, 6.41 per cent; seventh class, 4.18 per cent; to which must be added 5.49 per cent, of whom, on account of sickness, it has not been possible to form any opinion.

5. *Observations about particular prisoners.*

It has been said above that the functionaries every week deliver to the director a register of the prisoners whom they have visited,

with notes of what peculiar things there have been to observe with respect to any particular prisoners. The director who, during the past week, has visited such prisoners, gives now a further communication regarding them.

6. *Particular communication from the director to the functionaries.*

Every morning, at 8 o'clock, the director, when he meets with the assistant and the first overseer, enters into a book, called "the order-book," all that has passed the previous day (concerning the arrival and discharge of prisoners, if any body has been removed from one cell to another, about punishments inflicted, if any body has fallen sick, has died, etc., etc.) This order-book is kept in the principal office for the inspection of all the functionaries. Besides these communications, the director, at the weekly assemblies, gives information of what particular arrangements he makes for the maintenance of order, and what particular instructions he has given the several functionaries.

B. *Congregate prisoners for a term of punishment from two to six years.*

There is no shortening of the punishment here. The newly arrived prisoner only remains some days in a reception-cell until he is examined by the physician, bathed and dressed. He is then led into the working-hall which the director designs for him, goes immediately to work, and receives at once, for what he does beyond the required daily task, the wages appointed for all. He is confined in a separate cell by night, unless he is old and feeble.

As regards the prisoners in the congregate prisons, it has been said above that they are the worst outcasts of the prisons. It will be seen that there is no gradation whatever in the punishment. The prisoner feels no suffering; he is instigated to no effort of his own forces; he loses by degrees all feeling of honor and liberty; he repeatedly enters the prison and leaves it, and he comes to consider it as his second home.

For this class of prisoners I have, in my proposal to the ministry, recommended the following gradation:

Terms of sentence: shortest periods for remaining in each class.

	First stage: cellular separation.	Second stage: progressive classification.			
		3d class.	2d class	1st class.	Exemplary class.
2 years,	½ year,	1½	..	..	..
3 "	½ "	1½	1 year.	..	..
4 "	½ "	1½	2 "	..	..
5 "	½ "	1½	2 "	1 year.	..
6 "	½ "	1½	2 "	1 "	1 year.

The ministry has not been willing to adopt this proposal, because it requires the first part of the punishment to be undergone in a cell, while the penal law orders the punishment to be inflicted exclusively after the congregate system. To surrender the principle of gradation for that reason is, however, wrong; and I have, therefore, thought to replace the first or separate stage by the lowest class in association, as established in the Irish system, to wit, the probation class.

C. *Congregate prisoners for a term of punishment of from seven years to life.*

Neither is there here any shortening of the punishment, unless the prisoner receives a pardon. The treatment is quite the same as that of the latter class, with the exception that prisoners who have been confined for a long time, and have behaved well, are permitted to work outside the outer wall on the piece of ground which belongs to the prison at Horsens, for it is here that these prisoners are detained.

I have before mentioned that, although among these prisoners are the most dangerous criminals, yet there are also many whose improvement may be hoped for, but who are now in danger of being lost under a long and uniform imprisonment.

For this class of prisoners I have proposed the application of the Irish system in its full extent, for which the prisons are well suited, and that, in such case, all pardon should cease in consequence of the introduction of the system.

The removing of prisoners from one prison to another, which takes place in the Irish system, as practised in Ireland, cannot be applied here, nor do I think it necessary. In the prison where he was first placed the prisoner must remain; and by this the advantage is obtained that, from the beginning of his imprisonment until he is discharged, he remains always under the same persons who have, once for all, become acquainted with his good and bad qualities.

As to the female prisoners, these are, indeed, as already said, confined in one prison; but in other respects they are subject to quite the same treatment as the male prisoners are. All young prisoners under twenty-five years, and those under forty years who have not been punished before, undergo their punishment in the cell, when the term of their punishment does not exceed six years, with precisely the same gradation as for male prisoners. For the

female congregate prisoners I have also proposed progressive stages in the punishment, yet with some changes from that proposed for male prisoners.

For discharged female prisoners the prison society has two reception establishments (refuges), one for congregate and one for cell prisoners. The liberated prisoners remain here until they obtain steady service.

YOUNG PRISONERS.

Since 1863 a special and careful attention has been given to young prisoners under fifteen years (as to those who are from fifteen to eighteen years, special permission must be had from the ministry). They are committed to the cell prison at Vridloesville, but are only isolated during the night, and while they are preparing for school. They receive every day instruction as well from the chaplain as from the three teachers of the prison, and are in summer occupied with working in the garden, and in winter with easy joiner-work. In summer the lessons are not so many as in winter; at both seasons they are exercised in gymnastics. All is arranged with a view to repairing what the neglect of education has ruined, and to promoting a harmonious development of the spiritual and bodily faculties of the child.

No progressive system is applied, though an attempt is made to encourage the child by favors and small rewards. Every day they get marks, as well for their diligence as for their behavior, and twice in the year they are examined in the presence of the director and the other functionaries of the prison.

It is a matter of course that the education of such prisoners ought not to take place in a prison, but their average number being only ten, no particular institution can be established for that purpose. We have had much satisfaction with these prisoners, of whom only two, among sixty, have committed new crimes after their release. Formerly more than seventy-five per cent returned to criminal courses.

Moreover, I must observe that in this country there are in existence no less than three establishments, *a la Mettray*, for the education of neglected children who have gone astray. They are founded by private liberality and are subject to private control, but receive pecuniary assistance from the state. The children are, for the most part, taught to cultivate the ground, and as regards education, it is sought to approach the family life as much as pos-

sible. One of these establishments (Flakkebjerg) has now, for some thirty years, displayed great activity under a most able man (Moller), whose merits have been rewarded as well by the government as by the public.

PRISON SOCIETIES.

By this must not be understood such an organization as the prison association of New York. They have here only the aim to take care of the prisoners released from the state prisons.

At the beginning of the present paper I have observed that, as early as 1797, there was established in this country an association, with the aim to look after as well the bodily as the spiritual welfare of prisoners. Of the doings of this society, however, I can give no information; probably it ceased to exist under the war, begun shortly after with England.

It was not until 1841, that a new association was formed at Copenhagen, through the exertions of the English lady, Elizabeth Fry, so famous at that time, and who, in the course of her travels, paid a visit to our country. This society obtained, in the year 1842, a royal sanction. Its aim was a double one: to act in favor of the prisoner, partly during his punishment, partly after it; its activity, however, did not exceed the limits of the capital.

Later, in 1859, an association was formed for each of our four other prisons, but their action is limited to released prisoners, *partly* because the reform of our prisons, combined with good pastoral care, the instruction of each prisoner, and the control to which our prisons are submitted is sufficiently re-assuring; *partly* because visitors from without, however humane their intentions may be, are liable to be deceived and to disturb the pastoral care that ought to be committed to one man.

Each prison has thus its own society, founded by private liberality alone, and is to be considered as a charitable association; and it acts, without doubt, best in that manner. The societies have annual general meetings, by which the administrations are elected. On the administrations there are always chosen some of the functionaries of the prisons, so that they may be put into direct relations therewith. As members of the administration, there are particularly selected citizens, who carry on an extended business as manufacturers, merchants, artisans or agriculturists, and who have great influence, because they have it in their power to

employ a large number of workmen. Formerly, on the contrary, it was sought to give the societies consideration by placing high officers of state on the administration, who neither had time nor opportunity to be active in the work of the society, but whose grand names and titles of "excellency" were a pretty good bait.

Once a month the administration appears in the prison to see the prisoners who are to be released the ensuing month. Their behavior is examined, and an agreement is made about tendering the help that, according to circumstances, seems to be most fit. Not all prisoners are assisted, but mainly those who, on account of their diligence and good behavior, are recommended by the director. What, next to the behavior, is most taken into consideration is their age, their want, and their earlier life. The younger are especially helped by getting them into service, the older by money, the artisan by tools, etc. On the greater part the help is bestowed as a *gift*, but on some as a *loan*. Some are only promised help on the condition that they first manifest their will to help themselves.

Round about, in the country, the society has its agents, to whom it confides its wards, and thus, I think, these societies are pretty well organized. Every year they awaken a greater sympathy, and the number of their members increases. During seven years the state has given an annual supply, and the most cheering circumstance is, that the municipal authorities, as well in the towns as in the country, more and more make annual contributions — making it clear, I think, that the cause has been approved by the people. Finally, I deem it proper to mention that several legacies have been bestowed on the prisons, the interest of which is to be expended in procuring clothes for released prisoners. The largest of these bequests is $5,500.

Forwarding to you, Mr. Secretary, as requested, this review of the present state of the prison question in Denmark, I beg you to be indulgent with respect to what may be wanting in the picture; the leisure left me from my official duties is so very short. You will, perhaps, be aware that our little country has made a good progress in this respect. Under a single administration-in-chief, we have, with some few exceptions, good jails, where the cell-system is followed, and, I dare to say, state prisons excellently fitted out. We have well organized prison societies, and the government, the representatives of the people and the people themselves, are ready to make sacrifices to save the fallen. What remains is, to convince

public opinion that prison reform is not completed by the construction of new prisons, but can only be fully attained when punishment is executed in a manner suited to its true aim, which is the reformation of the prisoner. The most potent hinderance to this is, that we, lately, have had enacted a new penal law, in which determinations for the execution of the punishment have been fixed, which are founded on the notion that only negative means, to wit, relative and absolute separation, are sufficient to recover the criminal and restore him to society. To refute this prejudice, I published, at the close of 1867, a little volume on prison discipline, and I have also, in my two official reports, issued every five years, for 1864 and 1868, endeavored, as clearly as possible, to represent the comparatively low results we attain in consequence of the unfortunate manner in which we execute our public punishment. The government, to which, as stated above, I have submitted a proposition for introducing a progressive prison system, has applied to the chief sanitary board of our country to examine the influence which the different forms of punishment have upon health. I do not doubt that this board will recommend the system proposed by me, so that, instead of making the prisoner enervate and feeble by our treatment, we shall be able to strengthen him to sound action, to give him will-power, and so to restore him to society a good and useful citizen.

XI. Port Blair Penal Settlement in British India.

By Fr. Ad. de Roepstorff, an Officer of the Settlement.*

Gentlemen: I hope that, when the American Congress on Criminal Punishment and Reformatory Treatment at Cincinnati meets, you will not think it strange to be greeted from the far East; for the object — the reform of prisons and reformation of prisoners — is important, and the cause a good one. The most lively interest is, in this country, taken in your improvements and exertions.

I have been, by the secretary of the prison association, invited to send some information to the congress concerning the Port Blair penal settlement; and I am most happy to do so. I have, however, only a very few days to do it in, if I can at all hope to reach the congress in time with my notes. The points the before-mentioned gentleman wants information on are simply so many and so intricate, that, with a prison population of about 8,000 convicts, I believe it would take me a year to answer them in full; I therefore beg that you will excuse possible mistakes, and take the will for the ability.

Port Blair is the harbor on the east coast of South Andaman. Properly speaking, it is the name only of the harbor; but the name now extends to all the penal stations under this administration. The Andamans are hilly, and all over covered with dense jungles, very much of the same nature as are found in British Burmah. In the harbor of Port Blair are three islands — one at the opening (Ross); one at the middle (Chatham), where the harbor makes a bend; and one at the lower end (Viper). These islands were first cleared and occupied, and are the healthiest stations in the settlement. On both sides of the harbor there are, however, convict stations, and also a couple on the western coast, at Port Mount, lying opposite to this harbor, and only separated by a narrow strip of land.

The first convicts who were sent to this place were mutineers from the extensive Indian revolt in 1857; afterward, mostly convicted felons, and a few political prisoners. It was thought right in the beginning to send term-convicts, but not for terms under seven years, as well as lifers; but the number increased so greatly,

* Written in English by the author.

from year to year, that government has been obliged to confine the shipments to Port Blair to life-convicts, and to stop the very great mortality, no old men are now shipped to die here. You will, therefore, see that the condition of things is abnormal now. Many term-convicts are now being released, while none are coming; the death rate, for India, is very small; and one of the reasons may be reckoned the circumstance that no old men are received. In the little map which I attach, you will see the names of the different stations. I shall afterward try to describe them; but I only give their names here to show how the administration is distributed. There are three islands — *Ross*, *Chatham*, and *Viper;* on the northern coast of the harbor are *Perseverance Point*, *Hopetown*, *Command Point*, and *Mount Harriet;* on the southern side, *South Point*, *Aberdeen*, *Haddo*, and *Navy Bay;* on the western coast is *Port Mount.* Thus it will be seen that there are twelve stations in all. The convicts are administrated by civil officers, called settlement officers, and under them overseers (free or convict). The settlement officers are a superintendent, deputy superintendent, four assistant superintendents, and two extra assistant superintendents, the aggregate of whose salaries is $30,280 per annum. There are six free overseers, whose aggregate salaries are $2,916. Of convict overseers there are 419, with a total of wages amounting to 22,350 rupees per annum, equal to $10,057.50. If the convicts be supposed, in round numbers, to be 8,000, of which 7,000 receive pay, this would give an annual expenditure of 491,700 rupees to the convicts, equal to $221,265. This is the money paid cash to the convicts. The expenditure for troops, buildings, elephants, etc., of the commissariat are not reckoned.

On the matter of troops, I can give you no information, for fear that you might come and take our strongholds, gentlemen. The convicts are distributed on the different stations, and are employed by the public works department in building stone barracks, stone jails, draining swamps and the like; also, as gardeners, as foresters, as boatmen, and as craftsmen.

The average amount of work a convict, when laboring for government, produces may be reckoned at one-fifth of what a free man would produce, and about half what a convict produces when he becomes a ticket-of-leave-man. They are worked in gangs of twenty-five men, with a gang-man, and are never separately confined. The main punishments for prison offences are stripes, fines, reduction,

confinement in female barracks (for females), and the like; and in the main the discipline is good, and disciplinary cases rare. The system used is, on the whole, only repressive; but, by giving the convicts the chance, by labor and good behavior, to be promoted to gang-men, afterward to division gang-men, and finally, after twelve years' labor to earn a ticket-of-leave, which makes him a free man within the penal settlement, by holding up the hope of getting a wife, a piece of land and opportunity to settle down once more as a respectable man, I believe the system is, on the whole, reformatory. Where promotions, stripes, fines and reductions fail to work, light or heavy irons, and thirty pounds weight daily, generally bring a man to reason. There is for the worst class of dangerous men, at Viper, a gang called the chain gang. These men are locked up at night; no one else is.

The convicts (when I now speak of convicts I mean convicts laboring for government) come out of all the nations of the east. There are men from Punjab, — big, strapping fellows, like French *gens d'armes*; they are generally good for petty officers, but lazy and very apt to run away; they speak a somewhat different Hindoostanee from the others. There are the little Tamil Madras people; these are the hardest-worked and worst-treated of the lot; they are generally dirty and thievish, and no one understands them; but they are strong, good workmen. In the bazar you will meet a Pharsee, who worships the sun, with a gold cap on, and who is as fair as you or I. Among the Kulis you see a man whom no one understands; he belongs to one of the aboriginal hill tribes in Southern India, who have no religion, and no laws, but still are under the law. The man who bows before you to the ground is a Mohammedan high-priest. He is a political prisoner; his long, black beard covers nearly his whole face like a veil, and you see only his little glittering eyes. If he could tell you how much he hates the Europeans, you would not feel so comfortable as you elsewhere might. When I lately had to pass in Demnagaree, (that is Hindoostanee written in Sanscrit letters), I inquired for a convict to teach me, and a man with his whiskers behind his ears, with the sign of Ram Ram on his forehead, painted in the most hideous way, in clothes that reached to the ground, appeared. He spoke a language I scarcely understood a word of; but I soon learned to hear his ravings about Vishnu, and all his theological and personal lies. He was a perfect specimen of a Hindoo, with

all the lying, deceitful characteristics of that race, debased by centuries of slavery. There are also Europeans, Americans, negroes from the West Indies, Canadians, and the descendants of Europeans, who had intermarried with natives of all the nations of the East. These so-called christian prisoners have generally a high pay, up to $25 a month. They are used in offices as overseers and the like, and are a rude, lying, drunken set, with neither morals nor character, weak to temptation, strong to tempt.

With a population like the one I have only attempted in a few lines to characterize, where about ninety-eight per cent cannot read and write, it is not to be wondered at that the doctrines of the Saviour do not prosper. They are so distant from their masters, on whom they look down more or less either on account of religion or caste. The Hindoo looks upon a European as unclean, because he kills and eats oxen. The Mussulman looks upon a Frank as an abomination, because he touches and eats pork. Where all languages, from Norway to the Malay Archipelago are spoken, it is natural that the natives from each country club together. One set are ready to cut out the eyes of the other, and therefore they are more than commonly careful in what they do, as a Mussulman always has a Hindoo reader to tell upon him, and a christian prisoner always will be betrayed by his servant. Hence, partly, comes the security and order that reign; another reason is, that the natives cannot escape. The jungles round the settlement are unhealthy and do not offer either food or shelter to any but Burmans. If they even succeed in getting a boat, they are sure to die on the way, or be caught on arrival in their own country. The convicts have tried it so often, and always without success, that they now quite clearly understand that this "is a place where you enter, but never leave." We have in our houses no sentinels, nor are the houses locked, nor are the convicts at night locked up; and yet no great cases of house-breaking or murder take place. In one regard, however, must we always be careful. We have about the smartest thieves of India collected here, and woe be to the man who leaves his gold watch before eyes on his table; but I believe that in every other regard the place is as secure as any free place I know, if not more so.

Every month the prisoners have facilities to send letters to India, which they must stamp. These are supposed to be always read

by the superintendent, but this is in reality seldom done. Two thousand letters go every month from the convicts.

When a convict dies, he is treated according to the custom of his country's religion, and is given over to his countrymen.

In Viper Island, where the most dangerous criminals are kept, a jail is under construction; but this building will only hold 500 criminals. Attached to it will be large work-sheds. At present the whole of the prisoners who know any trade are collected in one corps. They get an extra allowance. In the artificers' corps are smiths, carpenters, joiners, boat builders, foresters and other mechanics. This corps is new, but former administrations have all attempted to employ a man in his own trade as much as possible. The convicts belong to various crafts. They are foresters; they drive a saw mill; they are sawyers; they produce two hundred thousand baskets a year for nurseries of forest and fruit trees; they quarry stones for the foundations of churches, jails or other buildings; they are fishermen, gardeners, bakers, butchers; they do every thing to keep up a population of 800 souls (or at least bodies). Cattle, sheep, and all other food except vegetables, are imported. From time to time children have been sent down by the government of India as deported convicts, but the number has never been large. The greatest danger is, as far as boys are concerned, unnatural crimes, and they are, therefore, watched carefully. There is a school for these youths, and they are distributed in offices when sufficiently taught to be useful. There is, however, another class of human beings here who, strictly speaking, do not come under the heading of prisoners, namely, the children of convicts. These are now in great number in the settlement. Schools have been established by subscriptions of the officers of the settlement, with some government grants in aid; but they are as yet a very neglected lot, born without a country, without caste, though Hindoos or Mussulmen, without any right to possess land, or to have resort to any of the usual means of existence which a free man may have.

For the christian prisoners, who are generally either Europeans (half-breeds) or Americans, there is a large barrack, stone-built; also a library, where a goodly number of useful and religious books are found; but they are, from their position, under so great temptations that I hardly dare say that it often happens that they are improved by their stay. They generally have the working of

the natives, and are then apt to be tyrannical. They are often given to drink, and are under so little control that it constantly happens that a christian prisoner is sent to hard labor at Viper.

On the three islands are three large hospitals, and another also at Kaddo, which stations are considered the healthiest. The medical staff consists of three medical officers. Beside the medical officers, ten dressers and apothecaries are distributed over the Port Blair settlement and the Nicobar settlement. The average number of convicts from April 1, 1867, to March 31, 1868, was, males, 6,438; females, 447; total, 7,885. The convict population in Ross, for the same year, averaged 2,479 males; 194 females; total, 2,673. The sanitary arrangements of Ross are good. Latrines are built round the island, and the dry earth system is used, and answers well when the convicts can be made to use it. The water supply is abundant on all stations.

Since the settlement was opened, the death rate has been as follows:

YEAR.	Average prison population.	Daily average of sick.	Per cent of deaths.
1858,.....	.....	....	16.00
1859,.....	7,813	....	63.00
1860,.....	2,009	272	1.34
1861,.....	2,021	129	14.25
1862,.....	2,085	184	15.53
1863,.....	3,081	296	21.55
1864,.....	3,278	277	14.64
1865,.....	3,926	271	6.37
1866,.....	6,074	659	10.56
1867,.....	6,885	583	10.16
1868,.....	8,000	....	.....
1869,.....	.....	....	.....

The hours of labor are 6 A. M. to 11, and 2 P. M. to 6.

XII. Thoughts on a Reformatory Prison Discipline.

By Hon. John W. Edmonds, of New York.

New York, *October* 5, 1870.

Rev. E. C. Wines, D.D.:

Dear Sir — I find that my health is not sufficiently restored to enable me to make the journey to Cinncinnati, and, therefore, I cannot be present at your "National Congress of Penitentiary and Reformatory Discipline."

I regret this very much, for I am now deeply interested, as I have been for years past, in the subject; and I should rejoice in the opportunity, which that assemblage will afford, of learning more about it.

My interest is stronger in the reformatory than in the punitive feature of prison discipline; and that is the topic which, of late years, has most attracted the attention of philanthropists, and in respect to which, most is yet to be learned.

I was surprised when I was informed by the chairman of the prison committee in our late state constitutional convention, that, on perusing the reports of our state prisons from the beginning, the first word looking to their reformatory character was found in one of the reports for 1843. Previous to that time, it would seem that in this state attention had been mainly directed to the punitive and financial features of public punishment.

With us then, in New York, this reformatory principle is, in a great measure at least, a new feature, and the introduction of it an experiment. It will, therefore, be a matter of interest to your convention to be informed of the particular measures adopted to carry out the principle and of the success which has attended them, and to consider what course ought to be pursued to make the effort more successful.

That is a task which I should be but too happy to perform, and I regret that I cannot perform it. Perhaps, however, I can do something toward it, or, at least, suggest for your consideration some of the topics embraced in those measures.

I. INSTRUCTION.

This embraced: 1. *religious teaching* — by Sunday servic chapel, by sabbath schools, and by personal interviews chaplain with the prisoners.

This was necessarily very limited; for, except the pers terviews, the whole teaching was confined to one day in t and the interviews on other days were limited by what th officers regarded as the superior obligations of making penses out of the labor of the prisoners.

Voluntary aid from other clergymen than the prison has been occasionally rendered, and in one of our pri annual appropriation has been made for the purpose of p such aid.

Yet this is all fitful and uncertain — dependent on the of the officers of the prisons at the moment. It is, ther little avail. But, properly regulated, it might be of good

2. *Education:* There are always in the prisons some w never learned to read and write, and who could readily b reading and writing, and even arithmetic. The value of become manifest to our legislature, and provision has be for a number of teachers in each prison. Yet the perf of this duty is also made subordinate to the money quest so small a portion of time is devoted to it that it become farce.

3. *Learning trades.* — The prisoners are all condemned as part of their punishment, which is "imprisonment state prison at hard labor."

This could be made of great service to many of the pri to those, at least, who have learned no trade — for it woul them to earn an honest livelihood on their discharge.

They are compelled to work, and do work, but that also subordinate to the money question, for instead of the labor directed as to teach the whole of a trade, it is confined only of such trade; and the consideration is rarely, if e much the prisoner may be benefited, but almost, if not quit how much his labor may be made productive to the financ

II. REWARDS.

In two important respects a system of rewards h astempted, viz., in "commutation" of sentences and ir stent." By "commutation" is meant the power of the p

by good conduct in the prison, to earn a shortening of their terms of imprisonment.

The officers of the prisons are now made the judges of the fact whether such commutation is earned or not. This is a power, whose exercise demands the utmost care and impartiality, and every case must be judged by its own surroundings. But this is too much trouble for the officers, or they have not time to perform it, and the consequence is that it ceases to be a reward, and commutation is obtained by other considerations than that good behavior which augurs penitence.

By "overstent" is meant the privilege of the prisoners to earn something for themselves, so that, by a course of industry, they may have means to aid them on their discharge.

This, however, is so managed in the prisons that part only of the prisoners are permitted to enjoy the privilege — those, for instance, who work for contractors; and then, instead of retaining the amount as aid to them on their discharge, they are often permitted to receive it during their imprisonment, and spend it on luxuries, surreptitiously obtained through the connivance of inferior officers.

Other rewards besides these are accorded to them, such as correspondence with friends outside, and visits in the prisons from such friends.

These things might be made powerful incentives to good conduct in the prison and to a desire to reform. To do so would require nice discrimination and judgment in the prison officers. But that, again, would be too much trouble for the officers; and such visiting and correspondence are governed by the mere caprice of the officers, and not by any well digested and wise system.

III. AID TO DISCHARGED CONVICTS.

When we reflect how hard is the fate of the convict on his discharge, and how difficult it is for him both to start and to persevere in an honest life, we can readily perceive the importance of this topic.

Discharged convicts, among us, now depend for aid, at such times, on the small sum allowed by the state; on their own surplus earnings, or "overstent"; and upon the voluntary assistance of individuals or societies.

The state aid is apportioned, not according to the hopefulness of the case, but according to the number of miles the prisoner is

distant from the place of trial; and such is its limit in amount as to seem to have in view, mainly, the removal of the convict from the immediate vicinity of the prison.

Their own earnings are often, as I have mentioned, liable to be perverted, and are permitted to become objects of cupidity to the prison officers.

Individual aid is rare, and, in most cases, difficult to get.

And societies are too few to perform all that can be done in this regard; for it must be remembered that that aid is most available that furnishes employment rather than money.

This whole matter of aid to the discharged demands and would warrant more enlarged means and effort, and an organization which shall insure, at once, a sufficiency of aid and an intelligent and discreet administration of it.

It was, chiefly, to this topic that the late Isaac T. Hopper devoted the later years of his life, and with such success that, during the first year of his devotion to the work, he procured employment for fifty-eight discharged convicts, only one of whom turned out badly.

Such is the promised result of wise and persistent efforts in this direction; and it assures us that it is worthy of our deepest consideration.

All these matters, to which I have thus briefly referred, are full of promise of good. They are as yet inchoate, in a great measure, and unsystematized; but twenty-five years of our experimenting with them assure us that they may be made most powerful instruments of reformation in the criminal class of our population; and as such, I commend them to your attention, and, if you please, to the attention of your congress.

My heart is filled with the hopes thus held out to us, and I would that I could, in person, present them to your assemblage; but my infirmities forbid, and I must content myself with wishing you God speed.

XIII. Reformatory Discipline as applied to Adult Criminals.

By Gaylord B. Hubbell, late Warden of Sing Sing Prison, New York.

Discipline is a word of broader import than is commonly supposed. Webster says: "Discipline means to inform the mind, to prepare by instructing in correct principles, to instruct and govern, to teach rules and practice, to accustom to order and subordination." The fundamental idea is to teach, improve, reform. Such is the breadth and scope of the term as applied to the treatment and training of imprisoned criminals.

This view would receive abundant confirmation if we had time to go into a detail of the processes by which criminals are made, into which enter, as chief elements, ignorance, pauperism, squalor, misery, neglect, and the vices and even the direct teachings of drunken and unnatural parents. But it is not the purpose of this paper to show how criminals are made; the object is rather to make manifest how, after they have become such and have been convicted and incarcerated, they may be reformed and reclaimed through processes and agencies which ought to have been applied earlier, but which, having been withheld at the proper time, ought equally, now during their imprisonment, to be applied to the utmost practicable extent.

There is, however, a preliminary inquiry which demands some attention. It is, whether adult criminals are susceptible to reformatory influences. On this point I do not myself entertain the slightest doubt; and I am confirmed in my belief that they may be reformed and saved both by the judgment of prison officers, every way competent to form an opinion on the question, and by the facts of experience; particularly by three notable instances.

The first is that of Colonel Montesinos in Spain. In the year 1835, this gentleman, who had been an officer in the Spanish army, was made governor of the great prison of Valencia, averaging from 1,000 to 1,200 prisoners. Prior to his incumbency the system of discipline had been one of stern coercion — blows, irons and tortures of various names being its instruments. The recommittals ran up to forty, fifty, and even sixty per cent. Colonel Montesinos detetermined to substitute moral for material forces,

and govern his prisoners by humanity instead of cruelty. His administration lasted fifteen years, and its results were as cheering and re-assuring as they were remarkable. By degrees he introduced trades into his prison till they reached the number of forty-three. He allowed each prisoner to choose the trade he would learn. For two years no impression was made on the recommittals; his system not having yet had time to produce its proper fruits. During the next ten years, however, the average of yearly recommittals did not exceed one per cent; while, during the last three years, not a man came back to the prison who had been subjected to its discipline. Is not an experience like this most significant? Are there not embodied in it whole volumes of instruction?

Not less extraordinary or less instructive was the experiment of Captain Alexander Maconochie on Norfolk Island. This was by far the worst of the penal colonies of Great Britain. Captain M took charge of it in 1840, and remained four years on the island. Before his arrival, the prisoners, to the number of 1,400, had worked in heavy irons, and even when thus manacled, the superintendent dared to approach them only when guarded by two armed soldiers. Captain Maconochie instantly removed the chains from all; and from the first, alone or with his wife, he went unarmed among them; while very soon men, women and children traversed the island singly and without fear. The amount of work done by the men rapidly increased; the number of offences committed as rapidly diminished. But the true test of his success lay in the conduct of the men after they had left the island, and when, as a matter of course, they were no longer under his direct influence. The reconvictions of men discharged by him were only three per cent, while of those discharged in Van Dieman's Land, though far less depraved and imbruted, they amounted to nine per cent. More than four-fifths of his men, after their discharge, either went into private service or otherwise earned an honest and respectable livelihood; while the proportion of Van Dieman's Land men, thus conducting themselves, was less than three per cent. Yet full two-thirds of his men had been under colonial sentences, having been convicted of fresh crimes in the colonies, as well as of those which had sent them thither from the mother country, and were regarded as the very scum and offscouring of the earth. These noble

results were all accomplished through the judicious application of kindness, or, in other words, the use of organized persuasion.

The third experiment to which I have referred is more recent, and is still exerting all its beneficent power — I mean the Irish prison system, as devised, inaugurated, and for some years administered, by Sir Walter Crofton. The splendid results of this system of prison discipline are now too well known to need to be portrayed or dwelt upon at length, and I therefore content myself with this passing allusion.

I have said that the most experienced prison officers believe in the practicability of reforming even adult criminals. But I feel bound to add that not all prison officers hold this view. Said the warden of a large prison to the writer recently: "I think that when a prisoner is brought to us, and the gates are once closed upon him, he should be considered dead to the world, and the world dead to him." I inquired why he so believed. His reply was: "The practice of allowing prisoners to see their friends once in three months subjects the officers to a great deal of unnecessary trouble; besides, I think the legitimate object of a prison is to *punish* men for committing crime." I asked him what reformatory agencies he would employ. "Ah," said he, "I do not believe in reformation; I believe in punishment." After a pause, I said: "Mr. Warden, you are a father, you have sons. Suppose one of them should, in an evil hour, commit an offence, and be consigned to prison for a term of five years; would you think it wise and good to consider him dead for the whole of that period? You know that boy better than any other person; you do not believe him deeply depraved; you believe that he has been led into this crime by the force of some temptation or evil companionship, or is only technically guilty. You believe that that boy, broken-hearted and crushed under the weight of remorse and sorrow, would give the world, if it were at his command, to recall the past and retrace his steps. Do you not think it would be well to have his mother, his brothers, his sisters see him, and assure him of their continued love and sympathy? Do you not think it would be well for you to visit him and give him the benefit of your counsels? Would you not like to know that he was treated kindly, and that every thing was done that could be to fit him to return to his home improved and strengthened to grapple successfully with future temptations?" After a considerable pause, during which he

seemed lost in reflection, he replied: "Really, I did not see it in that light before. I—I— think you must be right."

Another warden, in a speech to his officers on prison management, used this language: "It is evident that these men are sent here for punishment; and now the great question to solve is, how shall we proceed to punish them most?"

Let us now take a glance at the inmates of a prison. Nearly one-fourth of them are minors, under twenty-one years of age. Much more than a moiety of the remainder are between twenty-one and thirty years of age. Here they are to pass two, five, ten of the best years of their lives; and they are certainly to undergo a change of some kind. If they survive the years of their imprisonment, they will leave the place, not as they entered it, but either better or worse. I assume, at this point, that if they are not better men, the fault will, in a large majority of cases, lie at the door of the officers or authorities of the institution in which they are confined.

The work to be done is the reformation of criminal men and women; generally, as we have seen, young men and young women, still in a plastic and impressible state. Such is the work. Let us now glance at some of the agencies to be used in the doing of it.

The first point here is the general principles — the system — on which the work is to be conducted. For, although no system will run itself and the best will prove a failure in the hands of incompetent men, yet it is very far from being a matter indifferent or unimportant, what are the fundamental bases of a prison administration. I hold firmly to the opinion that a true reformatory discipline must embrace at least three distinct stages: a penal stage, of a less or greater duration, to be passed in separation; a reformatory stage, much the longest of the three, to be passed in associated labor by day, and separate sleeping rooms at night; and a probationary or trial stage, designed to test the genuineness of the prisoner's reformation, where the social element shall be made prominent, the life and training shall be more natural, and the imprisonment itself shall be little more than moral. The idea is, that the fate of the prisoner should be placed, measurably, in his own hands; that progress toward liberty and increased privileges shall be made to depend upon his own exertions and conduct; and that thus hope shall be made an ever-present and ever-active force in his mind; in effect, more active and more potent than fear.

The buildings and grounds of a prison have by no means an unimportant part to play in its disciplinary management. In the same degree in which these are adapted to the work, other things being equal, will its discipline be reformatory or otherwise. It is often not an easy matter to gain the confidence of a prisoner; and yet, without it, little can be effected toward his permanent improvement. He cares little for words, if they are not accompanied with acts. If his physical comfort is neglected, you cannot readily convince him that you have any great concern for his moral welfare. He may listen attentively to good advice, but it will all pass for idle talk, if at night he is confined in a filthy cell, is made to sleep in a damp bed, is forced to breathe a foul and fetid atmosphere. Under such circumstances, he will rise in the morning weary, languid, moody, and filled with discontent and anger toward every body and every thing in the world. If, then, you would make of a prison a reformatory, you must choose a dry locality for your buildings. The site must be sufficiently elevated to admit of perfect drainage. It must be in a healthy neighborhood, and in the midst of beautiful natural scenery, with an unfailing supply of pure water, pure air, and heaven's cheerful and health-giving sunlight. On such a site and amid such surroundings must be erected a neat and tasteful rather than a grand and costly prison edifice, and it must be so arranged internally as to admit of the progressive classification of the prisoners, with its chapels, its lecture and school rooms, its library, etc.

The character and qualifications of the officers are considerations of primary importance in any system of reformatory prison discipline. On this subject, Sir Walter Crofton, in one of his reports as director of the Irish convict prisons, uses the following language: "It has been necessary, during the year, to discharge several officers from the convict service, as having proved themselves unfitted for the arduous and responsible duties of prison officers. This is to be expected in a service in which the qualifications are, to a certain extent, peculiar, and in which, therefore, it is difficult, if not impossible, to decide, without actual experience — whatever may have been a man's antecedents — whether he will eventually become fit for the duties. An extraordinary degree of intelligence is not absolutely necessary in a discipline officer of a convict prison. But a good temper and a fair degree of discretion, combined with strict moral habits and quiet firmness of character,

are qualifications without which he cannot succeed in the discharge of his duties; and as the want of them, sooner or later, is sure to bring discredit on any prison intrusted with the care of convicts as well as injury to the service itself, it becomes absolutely necessary not to overlook such deficiencies, whatever good qualities may otherwise be possessed by a person whose fitness for such duties is under consideration." No doubt Sir Walter is right in saying the position of a prison official is one requiring peculiar talents. In particular, there are two extremes of character, two qualities apparently inconsistent with each other, which must yet be combined to form the highest style of prison officer. These are at once a firm and a yielding temper. The true prison officer will be firm as a rock, strong as a lion, and yet tender in his feelings, and moved by a true human sympathy, so that, when the occasion requires, he can either stand like Mount Blank, or weep like a woman. There are men who are all lion, all firmness, but destitute of any sympathetic feeling. Again, there are men who are all tenderness, all sympathy, but void of all tenacity of purpose. Neither of these will make a perfectly successful prison keeper. The bane of the prison system of New York, and, I believe, of most of the other states, is the fact that the prisons are under the control of party politics, so that both appointments and removals are made almost wholly on political grounds, and few officers hold their positions long enough to gain much experience in their proper duties.

Industrial training of prisoners is another essential condition, without which no prison can ever be made reformatory. Industrial and skilled labor is indispensable in every reformatory system of prison discipline. It would be a difficult, if not an impossible, task for any man, or any company of men, to maintain order and carry out a progressive system of discipline with a large number of idle prisoners; and next to this, it seems to me, would be the difficulty of maintaining order with prisoners engaged in objectless, and therefore utterly useless, labor. I have seen a prisoner turning a grindstone, with nothing laid upon it to sharpen — not even "an ax to grind." It was evidently, to him, a most disgusting employment. In many English prisons there is still much profitless labor on the crank, in the treadmill, at shot-drill, and the like. The surly looks, the slow, dogged movements, the willful expression of the prisoners, show how loathsome this kind of work is to

them. Contrast with this system that of Montesinos, already described. In the one case the prisoners were working at useful employments and sharing in the profits themselves, and reformation, to an unprecedented degree, was the effect; while, under the system of bootless work, the prisoners grow more and more hardened, and are continually preying on society, and as often being recommitted to prison. Is any further argument necessary to show that well-directed industry is the highest aid to reformation?

Educational forces, wisely devised and effectively applied, are indispensable to the work of reforming criminals. Now, education means something more than merely teaching to read, write and cypher. Webster tells us that "education comprehends all that series of instruction and *discipline* which is intended to enlighten the understanding, *correct the temper*, form the manners and habits, and fit youth for usefulness in their future situations." He adds that "to give them a religious education is indispensable, and an immense responsibility rests on parents and guardians who neglect these duties."

On the subject of educating prisoners, Sir Walter Crofton, in one of his earlier reports on the Irish convict prisons, has these remarks: "Sensible of the great importance of establishing a proper system of education in the prisons, through which, unfortunately, thousands of human beings must pass, who are in turn subjected to its influence, we are gratified at being enabled to state, that, although much of the past year has been taken up in arranging school rooms, classifying prisoners according to their attainments, appointing schoolmasters, etc., a great desire has been evidenced by the prisoners to receive instruction; and this is the more remarkable as proceeding from some advanced in age, who at the commencement of the year attended school with the greatest reluctance. This applies both to males and females, and we believe that so desirable a result has been achieved through great exertion on the part of the teachers. Lectures have been established and attended with visible success. The great stumbling-block to improvement has been the low and depressing idea that prisoners in general hold of their own qualifications, believing it to be impossible that they are susceptible of improvement. The exertion required from their instructors to remove an impression so detrimental to progress can be of no ordinary kind, as his constant occupation should be that of illustrating and picturing out to the

minds of the instructed; but this is no light task, and few there are, however gifted they may be in knowledge, who can really give effect to this desideratum, but more especially in the case of paupers and criminals." Miss Mary Carpenter remarks that "it is the opening and training of the mental powers which is the great need of those whose intellectual and moral nature has been uncultivated and perverted. Throughout the history and workings of the Irish convict system, it will be observed that the great object of awakening, training and directing aright the intellectual power of the convict has been steadily kept in view as an important means of reforming him and preparing him for society. To steadfast perseverance in this object must much of its success be attributed.

The dietary of a prison is an important agency in its discipline, taking the term "discipline" in the broad signification given to it in the opening sentences of this essay. A keeper of one of our prisons once said that if the warden would keep the kitchen right, he would be responsible for the industry of the prisoners and their general good conduct; the significance of which remark is, that when prisoners are properly fed, it will be an easy matter to maintain order among them, — a pregnant truth.

The management of the medical department of a prison has a close relation to the reformation of its inmates. No officer of a penal institution has more influence, for good or for evil, than its physician. It being an undoubted law of nature that a healthful body is essential to a sound mind, it becomes of vital importance that the medical officer should deal not only fairly but kindly and even compassionately with prisoners. The physician should indulge in no prejudices, and he should ignore the fact that he is dealing with prisoners. He has nothing to do with the antecedents of the prison. It is simply his duty to consider the claims of humanity, and to apply the resources of the healing art to the best of his ability.

The clothing of prisoners is not beneath the notice of those who would impress upon our penal institutions a truly reformatory character. I have seen prisoners as proud of a new, clean suit, made of the striped prison clothing, as an ordinary laborer would be of a suit of broadcloth; on the other hand, I have seen them thoroughly disgusted and filled with loathing at being required to don old garments, which had been worn and soiled by other convicts, perhaps by a different one every time they had been

washed. In some prisons, I know not how many, the convict wears always the same garments — outer and under — and it would give the authorities in any prison but little trouble to secure this end. A little attention like this will vastly aid the work of progressive discipline.

Religious forces, as a matter of course, are a prime necessity in the work of changing bad men into good ones; but I forbear any treatment of this topic, as it has been assigned to another gentleman, an honored and successful moral and religious teacher in one of our penal establishments, as a distinct thesis.

But the discussion of my subject could hardly be considered as complete, without a suggestion or two touching the disposal of discharged prisoners. Much of the perplexity of this problem would disappear from this question, if prison discipline were, as a general thing, made really reformatory; for, in that case, the prejudice, now so extensively felt, against the employment of liberated convicts, would speedily disappear, and, as a consequence, they would be readily re-absorbed into respectable and virtuous society. But the difficulty at present exists, often to a degree insurmountable, so that it is by no means uncommon that released prisoners, who really meant to live honestly when they left the prison, have been driven back into crime, because nobody would give them employment. Miss Carpenter, in "Our Convicts," gives a thrilling account of a case of this kind. She says: "Here is a brief history of a criminal career, given by an old convict himself to the chaplain of the Bath jail, the Rev. W. C. Osborn: 'I have been told a thousand times to go and get work, but it was never said to me, during twenty years, while in and out of prison, 'I'll give you work.' Hence I have cost the community some £20,000, and I expect to cost it a great deal more yet. I was sent to jail two months, when a boy, for stealing a loaf of bread, and no one cared for me. I walked to the seaports, but in vain. I tramped, sore-footed, thousands of miles, when I was a lad, to get honest employment; but it did not answer. I was tempted to steal; I stole; I was imprisoned; I was sent to Bermuda; I have learned the trade of a thief; and now I intend to follow it. I believe all philanthropy to be a mockery, and religion a delusion; and I care for neither God nor man. The jail, penal servitude, and the gallows are all the same to me.'" Every prison officer in America, whose experience covers any considerable length of time, can attest that, with but slight changes, this is a

true record of the life of thousands of criminals in our own land. Well does Miss Carpenter add: "And who is to blame? Are there no accessaries to the life of crime this man is leading? How was the boy who would tramp, sore-footed, thousands of miles, to get honest employment, transformed into a man who disbelieved humanity, scoffed at religion, and defied the laws of God and man? Could such an one be charged with all the blame?"

In advance of the thorough reform of our prison system proposed in this paper, whereby our prisons would be made real adult reformatories, society owes a solemn duty to the discharged convict. Let prison associations be formed in every state, or, if need be, in every locality where a large prison is situated. Let them ascertain, at the close of each successive month, what prisoners are coming out the following month. Let them converse with each and ascertain his views, wishes and purposes. Let them put themselves in communication and establish relations with master workmen and employés all over the state. And let them spare no pains to have places provided, in advance if possible, for every discharged prisoner who expresses a willingness to work for his bread and lead a better life.

And now let us retrace our steps, and cast a brief glance, retrospectively, at our subject. We will picture to ourselves a neat, plain edifice, built on a dry soil, somewhat elevated, having the means of perfect drainage, and an abundant supply of pure water, pure air, and heaven's cheerful, healthful sunlight. Our prison is furnished with all needful appliances for thorough reformatory work. Our arrangements are complete for classification, labor, discipline, rewards, promotions, trades, chapel, school and lecture rooms, and library, stocked with books, both useful and entertaining. Our board of managers is selected from the best men of the state, whose views are large, and whose heart is thoroughly in the work. Our warden is a man of experience, integrity, humanity, judgment and firmness. Our clerk is sober, honest and capable. Our medical officer is kind, gentle, attentive and skillful. Our chaplain is a man of deep-toned piety and apt to teach, with his whole being absorbed in his work. The corps of assistants is composed of men carefully selected, thoroughly trained, and intelligently and faithfully devoted to their work. And last, though not least, our schoolmaster is one of those large-hearted, patient, unselfish, sympathetic men, whom it is hard to find; but we have

found him. Our whole band of officers work so harmoniously together for the reformation of the prisoners, that the most ignorant and degraded feel that they have their best welfare at heart. The prisoners share in their earnings. Each is taught some useful trade or business. They are allowed some liberty in their choice of employment. The lectures delivered to them have a practical bearing; and when the work of reformation is completed, there is a well organized band of christian men and women to care for the prisoner, to shield him from the too violent assaults of temptation, to find work for him, and in every possible way to surround him with good influences. Who can doubt the result under such a system of training and pains-taking? With such forces in active and constant operation, success is assured, failure impossible.

XIV. The Proposed Volunteer Adult Reformatory at Warsaw, New York — its Origin, History, Plan of Organization and Anticipated Results.

By Hon. Wm. H. Merrill, Secretary of the Board of Managers, Warsaw, N. Y.

The Educational and Industrial Reformatory at Warsaw, N. Y., originated in the philanthropic heart and reflective mind of the Rev. U. M. Fisk, of La Grange, Wyoming county, a gentleman of marked ability and thorough culture, who had, for many years, dreamed of an institution for the moral cure of criminals, where hope should be nurtured instead of crushed, where evil should be overcome with good, and the victims of weakness and wickedness be restored to themselves and their fellow men, without taking the fearful plunge out of the bosom of society into prison. Resolving to put into practical effect his long-pondered plans on this subject, he consulted friends at Warsaw whom he had observed to have "the habit of success," and application was made at the last session of the New York legislature for a charter.

Ex-Governor Seymour, Governor Hoffman, Rev. Dr. Wines, Gaylord B. Hubbell, Esq., and others, whose experience and position gave weight to their influence and value to their judgment, encouraged and aided Mr. Fisk, who had also been greatly strengthened by the hearty devotion of Rev. Charles Cravens to the work.

The legislature granted the charter, incorporating the institution. Ex-Governor Horatio Seymour, of Utica; Hons. Augustus Frank, Wm. Bristol and Wm. H. Merrill, of Warsaw; Isaac Butts. Esq., of Rochester; Prof. E. H. Russell, of Le Roy; and L. W. Thayer, Esq., and David McWethy, of Warsaw, with five persons to be appointed by the governor, were constituted the board of managers. Recognizing the truth, so succinctly stated in the principles suggested to this congress, that "the two master forces opposed to the reform of the prison system are political appointments and instability of administration," the charter makes the first eight persons named hold their office during pleasure, with power to appoint successors, and the five appointed by the governor for ten years. The officers of the institution, whom the managers are to appoint, may not be removed, "except for cause, set forth in written charges, and after a full hearing." The managers are to report annually to the

legislature, and they are to receive for their services "no compensation, except for expenses incurred in the discharge of necessary official duties."

The object of the reformatory is briefly defined in the charter to be, "the reclaiming of persons who have been convicted of first offences, the punishment for which would be imprisonment in a state prison for a term not exceeding five years;" and the managers are to "receive under their care and instruction such persons, convicted of first offences, as shall be intrusted to them in the discretion of the courts, under such rules and regulations as shall be prescribed by law." The corporation is given power to purchase not less than two hundred acres of land, and erect buildings for the accommodation of two hundred persons, "from moneys to be raised by voluntary gifts from the people."

The act of incorporation, though brief in terms, is broad in its scope; but the details of organization and management were left to subsequent legislation, and to the action of the board of managers. The institution is placed outside the exclusive control of the state, partly to give to its management an element of stability and independence which our political prison system precludes, and partly because the state has not yet reached the point of abandoning a system that each year requires more prison room, and of applying to the problem of crime and its cure the teachings of experience, the principles of a just criminal jurisprudence, and the blessed doctrines of christianity. The vital principle of the proposed reformatory is, that it shall seek to save rather than to punish — to give to its inmates hope, and furnish them self-helps to their own reclamation — recognizing the *bane of despair* and the *futility of force* as elements in reformatory discipline. To this end it will substitute moral for physical influences, and seek the moral cure of the offender rather than the execution of an arbitrary sentence which "protects society" by huddling the weak and the wicked, the tempted and the tempters, indiscriminately behind prison bars, and turns them loose peremptorily, perhaps ten-fold more dangerous than when their punishment began!

The classes that the reformatory will aim to reach are those convicted for the first time of the lighter grade of legal misdemeanors. As, under our present system, it has been forcibly said by Governor Seymour, in a speech explaining and approving the objects in view, that "we punish not the offence, but the *name* of

the offence," and look not at the man nor at the circumstances of his fall, but at the absurd nomenclature of a stereotyped statute. This class will include persons technically guilty of crime, but morally very far from being given over to the utter hardness of heart, which a malefactor's doom would be likely to create within them. A second class, and a very large one, is composed of those who have led lives as fair as the mass of their fellow-men, but who, in some unguarded hour, fell into crime or were betrayed into it in a moment of overmastering passion or resistless temptation. In brief, it is the design of the reformatory to reach all first offenders, in whose case mitigating circumstances may exist, or hope be found that, under proper influences, they would recover from the effects of their transgression, and lead thereafter useful and honest lives, instead of being given over to the hopeless degradation and utter despair that follow a commitment to state prison. It is to give value to these circumstances, and to supply these influences, that the Warsaw reformatory is organized. Clearly convinced that the reclamation of such offenders is possible, deeply feeling that it is a more excellent way than their indiscriminate punishment, the managers believe that reformatory efforts will be found to be more entirely successful when they *precede*, rather than *follow*, imprisonment. As chains and dungeons, the rack and the thumb-screw, the solitary system and kindred enormities, have given way to a discipline more in consonance with the age, so it seems to those engaged in this effort that even prison reformatory agencies will yet be vivified by the spirit of the transgressor's Great Friend, and be based more completely on good-hope, thorough kindness and innate manhood. If the most iron-clad statutes will not prevent transgressions, nor the stoutest bars and highest walls make men forsake evil, is it the most practical wisdom to shut a man up, even in a reformatory, and say, "go to, now — we propose to put you under lock, behind the contractor, into iron leading strings, and reform you off-hand for your own and the state's good?" If a system of graded prisons and reformatories meets the true requirements of human nature, and is a feature of any just criminal code, is there not room for an institution which recognizes the great truth, that moral reformation, like the keenest punishment, comes from *within* — that it is born of hope, nurtured by kindness, strengthened by confidence and made perfect through educational

and religious influences — an institution not at all penal, and less reformatory even than simply helpful?

These being the classes to reach and this the central idea of our reformatory, all the rules governing it shall be based on respect, kindness and good will for the inmates. There shall be no walls nor bars — no cells nor punishments. An ample farm and workshops will give to the inmates opportunities to labor, and they shall enjoy an encouraging portion of the rewards of their labor. Religious privileges to touch the heart, and educational appliances to enlighten the mind, shall have the free play which only self-respect and hope in the breasts of the subjects of them can give. In short, it is intended to be a retreat, a home, a workshop and a school, combined in one — an asylum for repentance and the treatment of moral maladies — a half-way house of redemption between society and the prison.

Into this institution will be received such first offenders as, by law, the courts may direct — it being taken as granted that the state would gladly protect society by checking rather than crystalizing crime, if that shall be found the more effectual way. They shall come with the sentence of the law suspended over them — physically free, but morally bound to remain until such time as the governor of the state, upon the recommendation of the board of managers, shall pronounce them ready to be restored to society, with all their rights unimpaired and their offences rubbed out; but if any one proves incorrigible, or leaves the institution without honorable discharge, he shall be liable to all the penalties of the original sentence. It shall be the *one chance*, which many, missing under our present system, are lost forever. The details of the working plan must, of course, be arranged after the dictates of experience, but the general principles I have attempted to fairly state.

Governor Hoffman appointed as the other five managers, Hon. G. B. Hubbell, of Sing Sing; Judge John B. Skinner, of Buffalo; Gen. A. S. Diven, of Elmira; and Hons. B. F. Angel and Scott Lord, of Geneseo. The board met at Warsaw on the 8th of September, and organized as follows:

President — Hon. Horatio Seymour.

Vice-President — Hon. John B. Skinner.

Secretary — Hon. Wm. H. Merrill.

Treasurer — Hon. Augustus Frank.

Executive Committee — Messrs. Butts, Bristol, Frank, Merrill, Russell, Thayer.

The Rev. Messrs Fisk and Cravens were appointed agents to present the enterprise to the people, and to solicit contributions to carry it out. They have entered upon their work with a zeal and faith that deserve success. And the friends of the institution confidently hope to see inaugurated a beneficent and needed reform, whose influence shall be felt wherever the teachings of christianity are cherished, or the principles of a righteous and rational criminal jurisprudence are understood.

XV. The Importance and Power of Religious Forces in Prisons.

By Rev. C. C. Foote, Chaplain of the Detroit House of Correction, Michigan.

The cardinal attribute that distinguishes man from all lower orders of beings is the *religious faculty*, or the power of knowing, apprehending and rendering allegiance to the Author of his being.

Into this faculty the divine forces are cast for restoring and holding fallen man to the legitimate end of his creation.

By this faculty, moral assimilation to, and society with, God are possible. Eliminate from man's nature this constitutional attribute, and God will be to him the forever unknown. With it, he may and ought to be the well-known.

God made man upright. And the first deflection from this normal condition is in a usurpation by other attributes in man's constitution over the religious faculty, the voluntary dethroning of the rightful sovereign in the moral domain, and the enthroning of the lower faculties. Into this realm of unlawful rule we must direct our exploring search for the *source* and *cause* of all the crimes that infest society and afflict the state. Thence are peopled all the prisons of the world.

With these postulates, it were an easy task to demonstrate "the importance of religious forces in prisons." By religious forces are to be understood those truths and influences that are correlated to man's religious faculty, and that are naturally adapted to restore legitimate supremacy to his spiritual nature. The *importance* of these forces may be measured by the *value of the interest to be secured.* An appalling ruin falls on our vision. Beings formed after the similitude of God are *lost* — lost to themselves, to their friends, to the state, and to God.

How shall the lost be reclaimed and restored? There can be but one response. Enlist the forces that God has ordained to re-instate the religious faculty in its rightful supremacy. The inmates of prisons are men. As such they fall under and are subject to the law of God's regenerating and restoring grace, which revolutionizes the regnant powers in man; supplants delight in evil by preference for the good; exiles passion and enshrines purity in the

affections; transforms the recipient from an evil-doer into a well-doer; and, in a word, makes "all things new."

The agencies and forces of God to reform and save man outside prison gates must, therefore, be the same for achieving like results for those inside. These agencies and forces are the gospel of the Son of God, properly proclaimed by the living ministers of God.

"I am not ashamed of the gospel of Christ, for *it is the power of God unto salvation* to every one that believeth." "It pleased God by the foolishness of *preaching* to save them that believe." (But not by *foolish* preaching, mark!) "God manifest in the flesh," that He might receive sinners, that He might eat with sinners, that He might be tempted with sinners, that He might forgive sinners, that He might give His incarnate life to save sinners — God loving sinners unto the death — this, and this only, is the power that subdues, and holds in subjection, wills of adamant and affections totally perverted.

Instructive lectures, libraries and schools are helps, invaluable and indispensable helps; yet only helps. The failure to combine secular education with the theme of this paper, as requested by the committee of arrangements is from no depreciation of the importance of "educational agencies," but from a conviction that an effort to do justice to both in so brief a space would result in a failure to do justice to either. In a true criminal reformatory, the work shop, the school room and the chapel will become indispensable auxiliaries — neither saying to the other, "I have no need of thee." This will constitute the "three-fold cord, not easily broken," in attaining the end sought. Icebergs are not dissolved by light, but by heat; and congealed affections cannot be "thawed out" by intellectual illumination, but by the power of love. The omnipotent force for good, in the "chief of sinners" "saved by grace," was the "love of Christ."

And yet, with this method of God blazing in the sacred oracles like a constellation of morning stars, the state has wearied itself to exorcise from the souls of criminals demon influences by motives purely legal and punitive. And the result has been the very opposite of that intended. They have simply "raised the devil," a result foreseen and foretold three thousand years ago by the prophet Isaiah: "Why should ye be *stricken* any more? ye will *revolt more* and *more*." Hence was Sinai, with its thunders and lightnings, its stripes and its blood, supplanted by Calvary,

achieving expiation and breathing forgiveness for offenders in "the omnipotence of loving kindness."

A reformatory without religious forces must therefore, in the nature of things and from necessity, be a failure.

Having established the first proposition in our thesis — the importance of religious forces in prisons — it remains to demonstrate the power or efficacy of these forces. These must necessarily be modified by the quality of the material to be wrought upon, by the agencies employed, and by the opportunity furnished.

1. As to the *material* -- utopian as the assertion may appear — it is nevertheless true that the inmates of prisons furnish a material quite as feasible (if not more so, for the conquests of the gospel) as can be found in an equal number of "outsiders."

It is an easier task to arraign, try, convict and condemn these at the tribunal of conscience than "the ninety and nine" that, in their own eyes, "need no repentance." This achieved, and our work is half accomplished.

It should be remembered, also, that it is not the *form* or *name* of crime that constitutes the measure of its guilt, but the degree of light, or the power of moral vision, under which the act is done, Convicts, as a class, dwell in a land of shadows and twilight. Hence they have not passed through the indurating process of light resisted. To the appalling thunders of Sinai and the melting accents of Calvary, they are not inured. The truth has them, therefore, at a double advantage. Why, but for these reasons, was the Great Teacher more successful with publicans and harlots than with those who said "they had no sin."

2. Concerning the *agencies* for propagating religious forces in prisons, where a volume might be filled, a few sentences must suffice.

Like the apostle to the Gentiles, the chaplain of a prison reformatory should "know no man after the flesh." In the flock committed to his care, he should behold no special criminal, no desperado; not even the red spot of the assassin should he descry upon a solitary garment. Towering above all else, and inclusive of all else, he should know but that one comprehensive condition, *humanity in ruins*, to be saved.

Each man's idiocracy may well be left with his own conscience and with his God. Like the Good Shepherd, the chaplain's mission is to find and restore the lost. For these he should cherish a love

so ardent, so profound, that in all verity he can affirm with his Divine Master, "I lay down my life for the sheep." In these offenders he should behold moral treasures so ineffably precious as to justify the utmost self-denial for their acquisition. He that cannot affirm to his own conscience the possession of these qualifications should seek some other theater for the exercise of his talents than that furnished by the imprisoned offspring of God.

3. Essential and imperative as these qualifications may be for the chaplaincy, they may all be rendered null and void by *circumscribed opportunity.*

Subjugate your religious forces to the dictation of authorities that neither fear God nor regard man, in whose moral nature the fires of benevolence never burn, who are themselves prisoners to the rule of selfish likes and dislikes — to self-indulgence and love of ease — who seek not the prisoners' but their own good — who find more pleasure in breaking a prisoner's head with a cane than his heart with prayer — let such potentates be in the ascendancy, and, though proclaimed by an angel from heaven, "the word of God" would "be bound," the "grace of God" would be "of none effect."

But reverse this order. Let "the powers that be" be in sympathy with the end sought by the gospel, let them be men with whom the grand desideratum shall be the inauguration of a penalogical economy effectual for the supplanting of vice with virtue, for the moral cure of the sin-blighted ones, subject to their administration; and if you have not perfected, you have greatly facilitated, the opportunity of your religious forces.

Here it must be affirmed that the *starving basis* to which, as a rule, the salaries of prison chaplains are reduced, trenches necessarily upon their opportunity. Time, that should be sacredly consecrated to the flock, is secularized to the eking out of a livelihood; and this, because the popular vision is so obscured that it beholds not an "an immortal crown" imperiled in the condition of the prisoner. He is but a "pest of society," about whom the *chief* solicitude is, that he make no drafts on the coffers of a mammon-worshiping people. Give them a financier that will bless their eyes with a balance sheet of a few thousands to the *credit* rather than to the *debit* of the state, and his praises shall be wafted through the nation. But give them a chaplaincy that shall (as is the case in some of our prisons), by the good grace of

God, turn such multitudes from vice and crime to lives of virtue, that waves of joy shall roll through the heavens, and the tidings thereof will, by the mass of men, be neither known nor cared for beyond the prison walls; and, if we may judge from their silence, a large majority of the religious journals of the day have never heard of a revival in a prison. You may find in their columns the *financial* status of nearly every penal establishment in the land. The dollar! *the dollar!* fills the entire heaven of the popular vision. The flight heavenward of a ransomed heir of immortality cannot, *therefore*, be seen.

It avails nought that your religious forces are effectual to the securing of a spiritual wealth that outweighs all the glittering dust of the globe. They are the "non-producing" department, hence their support must be measured by that rule.

It will yet be proclaimed — it may, therefore, as well be proclaimed now — that not financial success in a prison reformatory, but the *creation of virtue*, should be the first consideration — the MAN first, and *mammon* afterward.

And this affirmation is not a "sneer" at financial success, but a solemn testimony against the economy that would place, in even scales, the immortality of a convict and the dollars and cents he may earn.

Having taken from him his freedom of self-control, shall the prison regard his self-support as of equal moment with his reformation and salvation? Such a proposition should be met with a whirlwind of protests.

The prison should be no more a prison, save in the restraint, the discipline and the labor. The new science you are creating demands for itself a nomenclature and a literature of its own. In laying the corner stone of prison reform Howard reared for himself a monument more durable than the colossal masses of Egyptian architecture. It should be ours to perfect a structure so long ago undertaken. In completing your task, make your judiciary a paternal department, whose duty shall be the matriculation of offenders in the "college for reforming morals," there to be retained until sufficiently matured in virtue to graduate with a "good degree." Or, convert your prisons into Bethesdas for morally "impotent folk," there to be cared for till "made whole of whatsoever disease they have."

Or, if you will gladden the eyes of philanthropy by inscribing

in letters of gold on the prison door, "The House of Salvation," where weak or vicious persons, having been compelled to come in and attend the gospel feast, shall be fed with the "sincere milk of the word," until their perverted moral tastes shall be restored to a normal condition.

Will it be affirmed that the inauguration of such a régime in the present low tone of society is an impossibility? Then we will *agitate* until the good time comes. Let us double the progress of the past twenty-five years in the next five, and the goal is attained.

For the actual achievements of religious forces, see the various chaplains' reports in "the 25th annual report of the prison association of New York," by Rev. Dr. WINES.

From these reports are brought to us the most cheering and encouraging tidings of what God has wrought in the reformation of multitudes, who give good evidence of having passed from death unto life. Lips blistered with blasphemy have become redolent with the breath of prayer. Scoffers have fastened their tearful eyes in faith upon the cross. The lovers of evil have transferred their affections to things heavenly. Belligerents have become the children of peace. The hardened in crime have become contrite. Multitudes, fallen away from every thing of "good report," have been reclaimed and restored to their friends, to occupy honorable and happy positions in society. The prophetic tidings proclaiming "liberty to the captive, the opening of the prison to them that are bound," were never more joyously hailed than by those hanging in breathless silence upon the lips of the prison chaplain. And —

> "Still, thy love, O Christ arisen,
> Yearns to reach these souls in prison;
> Through all the depths of sin and loss,
> Drops the plummet of thy cross;
> Never yet abyss was found,
> Deeper than thy cross can sound."

This paper would be marred with a culpable incompleteness, were it to pass unnoticed the doubts and embarrassments with which the reformation of the inmates of penal institutions are incumbered. We are reminded by a class whose doubts seem stronger than their good wishes, that lingering beneath the exterior of these professed reformations, there is oft times existing a guile, a deception, a lack of sincerity, that justify the inference that these reformations are not radical, but superficial; not genu-

ine, but assumed. Our response admits the facts in part, but denies the inference.

1. Do you demand immaculate virtue from the start in the reformed convict? Are you willing to have your own virtue tested by that rule? Are not your daily orisons, "Forgive us *our* trespasses?" Why then pronounce the reformation of these weak ones in virtue spurious because of *their* trespasses? Or, are the sins of culture and education less sins than the faults of the rude and ignorant?

2. But why go mousing among prisons for contradictions to a life of virtue, when they are furnished to your hand in the daily walks of citizen life? You pity, but do not damn, the man of God, even if he cut the golden rule at right angles. We ask but the same charity for reformed prisoners.

3. You demand that the regenerating grace of God shall cure a man *perfectly*, at the very start, from the effects of pernicious habits of a life-long growth. You would give the leaven no time to work — you would have it leaven the lump the instant it touches it! you will not wait for "the blade first, then the ear, then the full corn in the ear." But you will have the full corned ear spring direct from the ground, and that as soon as the seed is planted! Your demands are not only super-natural, but super-gracious as well. A wounded tree, mollified with healing salve, and girt about with protecting bandages, demands time for demonstrating its recuperative force. We ask you to extend a like patience to sin-wounded souls, bound up in the healing grace of God.

4. Does the objector fail to see that, if his inferences and judgments are legitimate, he has impeached the wisdom of God! You surely would not demand of us higher types of godliness than those secured by the labors of Christ's apostles. But were there not imperfections and inconsistencies as glaring and as deplorable as you can designate in prison reformations among their converts?

The bible student needs no rehearsal of these deflections from the divine example. If consistent, the objector will pronounce the results of apostolic labor a failure, and their converts shams; and thus does he impeach the wisdom of God for the outlay of grace, whose fruits are but abortions, as the objector is logically compelled to affirm.

Finally, having by the blessing of God saved these unfortunate

criminals from the social and spiritual perdition in which we found them, we dismiss them from our care, to try their chances among the thousand snares which society, not less criminal than themselves, has spread for them. If they are again "taken captive," and "led away with the error of the wicked," heaven and earth shall justly hold, not "the religious forces in prisons," but society itself, which coldly repels them from her door and bids them stand aside as less "holy" than she, as in no small degree responsible for their fall.

XVI. The Prison School.

By H. S. Tarbell, Teacher in the Detroit House of Correction.

The following paper on prison schools has been written at the request of the committee of arrangements, and embodies the experience of a little more than one year in the management of such a school in the Detroit house of correction. It aims to set forth the necessity, requisites, method and results of the true prison school, and as the writer has in charge two large union schools, as well as the instruction of the male prisoners of the Detroit house of correction, it is written from the stand-point of experience. It assumes that education is valuable as a preventive of crime, and that to awaken the intellect often opens the best road to the heart. But were it possible to show that an educated man is as likely to be a criminal as an ignorant one, even then a part only of the foundation of the structure here reared will be removed, and the prison school will still have sufficient reason for its existence, unless it can be further proved (which is impossible) that mental culture is positively detrimental in its influence upon the character. This essay further assumes that the reformation of criminals is an object to be sought by prison authorities. It is not necessary to claim that this should be the exclusive or even the leading aim of their efforts. It is enough that wise and true-hearted men regard it as important.

The necessity of prison-schools will appear, if one carefully considers the state of education among prisoners as a class. If prisoners correctly represented the state of education in our communities, there would be just ground for alarm, and we should have every thing to fear from the domination of the ignorant masses, under the leadership of ambitious and unscrupulous demagogues. But whether the state of education among prisoners be higher or lower than that of the community from which they come, the fact remains that, as a class, they are uneducated and ignorant. That every person should be able to read with sufficient facility to render the exercise agreeable to himself; that he should have sufficient acquaintance with numbers to be able to calculate his wages and expenses; and that he should be able to write a legible hand, seems a standard of attainment modest enough, surely, and readily

to be reached in this land of newspapers and public schools. But, taking the Detroit house of correction as a criterion, we shall find fully seventy-five per cent of the prisoners falling below the very moderate standard named, which seems the lowest that can avail for the practical duties of life. From the report of the teacher of the male department of the Detroit house of correction for 1869, we learn that sixty-five per cent of the men could not write numbers consisting of two figures, and that seventy-four per cent of them could not give the ordinary combinations of the multiplication table. What place in society can such men fill? Not even as *day laborers* are they capable of collecting and spending their wages without the hazard of being cheated. A sense of inferiority leads them to seek companionship with the low, in whose presence that reasonable amount of self-assertion and comparative excellence, which every man feels to be his birthright, may find play. As such men are exposed to the deceptions and trickery of persons shrewder than themselves, a feeling of suspicion and unjust treatment is apt to get possession of them; and they seek ways of reprisal and opportunities of reversing the inequalities of property and position, which seem to them so unfair to themselves. They are now in a state of mind which disposes them to stifle the feeble voice of conscience with the sophistry that they are no worse than others, and that the world owes them a living, and they are bound to have it.

Shall we shut a man out from all that is elevated, and then complain that he seeks the low for companionship? Shall we debar him from that which exalts, and then punish him because he is debased? Shall we give him no capacity for a higher social life, and then wonder that he is satisfied with the society of the groveling? To give to the inmates of our prisons higher thoughts, increased acquisitions, and desires for a better life, is the object of the prison school. The question of its place and basis is at once novel, difficult and important, and the solution of the problem will require a careful study of the mental condition and characteristics of the persons to be instructed. The methods employed cannot be wholly, or even mainly, those used with most success in the case of the children of our public schools. A moment's consideration of the difference in circumstances, opportunities, intellectual development and tastes of the pupils of the prison school and the public school will be sufficient to show

the necessity for the use of different methods in their management and instruction.

Prisoners are not children, and they are sensitive to being treated as such. On the other hand, the instruction adapted to the college is equally unsuited to them, for while there are, in not a few, manly characteristics and development in certain directions, there is only the *knowledge* of the child. Nor can we borrow for prisoners the methods of the reform school on account of the great variety in their ability, age and attainments.

Those prisoners who have not yet learned to read with sufficient facility to use a text-book to advantage, will learn only under the eye and by the aid of the teacher, and should receive instruction *every* evening, if their best progress is sought; while those who can be expected *to study* will need the alternate evenings only and what of daylight may be so employed, for the preparation of lessons for recitation.

The school room should be large and airy, so that the several classes may be separated from each other as much as possible, with each its own centre of interest. It should be so lighted that one may readily see to read in every part of it, and should be cheerful in appearance, and tastefully fitted up. While cells, clothing and food may be of the plainest, the appliances for the religious and intellectual improvement of the prisoners should be ample and attractive. The most important element in the whole arrangement is a suitable teacher. He should be a philanthropist certainly, and a friend to the prisoner, but he must be more than these. He must be a pains-taking, consistent, steadfast man, of so much character and scholarship as to secure the respect and confidence of the prisoners. There must be no sham, no mere assumption about him; for of all shrewd observers of men and motives, of all lynx-eyed detectors of humbug and affectation, the inmates of our prisons are the sharpest. The school room is a different place from the workshop, and must be controlled by different appliances. The teacher must secure the moral co-operation of the pupils, or his work will be a failure. If to the qualities just indicated, together with sound common sense and a sincere interest in his work, can be added an easy address and power to adapt himself to circumstances, the essential requisites of the teacher will have been secured. A practical acquaintance with the best methods of instruction will be found of great service, but is less

indispensable than a ready, fertile, logical mind. Of course, books will be necessary, and school apparatus, such as maps, charts and movable blackboards, which can be placed in front of each class as required. An organ, to aid in the singing at the opening exercises, is not unimportant.

Thus furnished, the work of instruction may commence, and, if the prison authorities afford their sanction and sympathy, and their presence as often as may be, it will essentially aid the end in view.

The first labor will be that of classification. As instruction in reading and numbers will form the greater part of the work to be done, it will be best to make the larger classification according to skill in reading, and the more minute subdivisions with reference to progress in arithmetic. Classes should not be too large; not more than ten to fifteen should constitute a class, and they had better be under than over this number. The better educated prisoners may be placed in charge of the elementary classes. Probably, indeed, every class may be so taught, and "the teacher" become virtually a principal or superintendent, directing the whole, and teaching now this class, now that, a few minutes or a half hour at a time, as may be necessary to indicate methods of instruction or determine the progress of the pupils. The general aspect of the school room will thus become much like that of a well regulated Sunday school. If proper discrimination in the selection of convict teachers be exercised, having reference to the mental and moral characteristics as well as literary qualifications of those selected, no difficulty will be found in practice to arise from this method, either as regards the spirit in which the several classes will receive their teachers, or the progress they will make. The necessity of small classes and numerous teachers will appear, when it is considered that, from the construction and changing membership of these classes, they cannot be handled as such absolute units as the classes in our public schools, but much individual work must be done, and each prisoner receive such aid as he personally and immediately needs. Still, an approach to the proper unity of a class should be made. The methods usually employed in commercial colleges will correspond quite nearly with those that, in this respect, should be adopted in prisons.

The school should be opened each evening with singing and a short address on some topic of general interest, either pursuing some selected theme or answering questions which have been

deposited in the question box. These exercises, by imparting information, arousing interest, and attractively displaying the beauties of the world of science and of thought, can be made as valuable as it will be interesting to the convict scholars.

Of the pupils at least eighty per cent will be found to range in scholastic attainment with children in our public schools of the ages of six to twelve years, while the remaining twenty per cent will stretch from this point onward to the standard of the lawyer and the physician. It would simplify the matter to admit to the school only the eighty per cent of average capacity, but it would probably damage the spirit of the school and the estimation in which it would be held by the prisoners. These better educated men give character to the school, take off its school-boy aspect, and are needed, if of suitable character, to give instruction. Of course men, with the meager attainments here indicated, have either never had, or never improved, the opportunities for education which our school system affords. They have neither the knowledge, the habits nor the inclinations of scholars. Men they are in most respects, but children in knowledge, impatient of continuous thought, unaccustomed to sober, mental work, untamed as colts, and indifferent and heedless as those who have no proper sense of their need of intellectual culture.

The active curiosity of childhood has departed, and the verbal memory of that age has, from disuse, become faltering and feeble. To commit to memory the words of a text-book is a task to which very few of them are equal, and, if insisted on, would make school and study a task indeed. But, as they have been accustomed to gather only the *thought* from reading or discourse, and, as they have a mental strength and grasp much greater than a child during his first attempts at learning, the point, the fact, the truth of the book will be gained more readily by them, than by the child. Whoever imagines that, because he is dealing with a man who cannot read, he is toying with a child, is very liable to find out his mistake in a manner not the most agreeable. The judgment and reasoning powers of such men, schooled by necessity and adventure, are frequently sharp; and they cut straight through sham, pretense, semblance or assumption. Not that the formal logic of demonstration is exhibited by them, or that their thoughts have that clear method of running from cause to consequence which would characterize a mind of similar power, if disciplined in the logical

methods of ordinary instruction by trained teachers. Still, the end is attained by some principle of inference, or some intuitive action of the mind, which gives a result, as the pupil would say, "near enough."

They cannot be depended on for any work that may seem tedious, as the grace of intellectual patience has little place in their minds. One of the chief differences between cultivated and uncultivated minds is the power of connected, continuous thought in the one, and the want of it in the other. Bright, sharp, incisive thoughts are frequent comers to even the uneducated mind; but such a mind cannot arrange them into a consistent and harmonious whole. In this respect, the untutored adult is more childlike than the child. Neither are they as observant of minute differences as children. A general blunting or deadening of the bodily as well as mental perceptions seems to have taken place. An unsymmetrical development of mental capacity is apparent — sharpened in some directions, dulled in others. Mere shades of thought, like shades of color on the color-blind, produce no impression. Slight differences in form or meaning are nearly imperceptible. For instance, it often happens that men who have not learned to read can hardly be made to see that such words as *there* and *then*, *though* and *thought*, do not look precisely alike.

It is a hard, but not a hopeless task, to teach such men; and the difficulty is increased by their lack of the unquestioning confidence of children. Confidence that never doubts is a characteristic of childhood, implanted by the Creator to render their instruction an easy and a grateful task. But this exists only in unsophisticated youth, and is rarely found in criminals.

Prisoners must see the *use* of what they are asked to learn, and are intensely practical in all their views. *Cui bono?* is a constant query. A child will study astrology as readily as arithmetic. But a man, while he will concede that reading and writing are useful arts, is doubtful whether a knowledge of spelling will be of any value to him. He will canvass the probabilities of his becoming a money lender before he enters upon the study of interest, and doubts whether there is any use in learning the table of apothecaries' weight, as he does not propose to be a doctor.

These are some of the mental characteristics which render the instruction of prisoners a peculiar and a difficult task. But there is much in them and their circumstances which, if rightly employed,

will result in very satisfactory success. Their utilitarian spirit can be appealed to with the happiest results. A way through their apathy can be found, and an interest in study can be created, which, in cases not a few, may be gradually raised to an absorbing eagerness. Their impressions are not so transient as those of children. Their solitary confinement and their monotonous life produce a craving for some variety, and many will enter the school for the mere change it brings, and, after a little, will be surprised to find that they are learning; a new sense of power and a vision of new possibilities dawn upon them, and soon they are eagerly at work. Their minds are stronger, their reasoning powers greater, than those of children; and, when once in motion, they have more momentum. A greater will-power, more perseverance belongs to them, and they will strive earnestly to overcome the deficiencies of early training, to fix the wandering attention, and to guide their restless thoughts. A man whom they consider refined and learned is to them an altogether different being from themselves, and receives their highest reverence; and, if he shows a kindly, unaffected sympathy with their efforts, he will find them readily responsive to his wishes, and an enthusiasm for knowledge can be aroused that will prove more sustained in character, more invigorating in effect, than can be awakened in children.

When engaged in class instruction, the teacher should adopt the conversational method, giving first the facts or explanations of the text-book, in a clear and intelligible form, and afterward, when the thought is grasped, showing the class that the same thing can be found in the book, and directing how it is to be studied and recited, as he assigns the lesson for the coming recitation. Even those who are fluent readers have, the most of them, become so by a miscellaneous reading of newspapers and romances, and have no comprehension of the wide difference there is between *such reading* and *study;* and this thought and the corresponding mental habits must be created in them by constant definite instructions as to the steps to be taken in the preparation of each lesson. The amount of study the men will do in their cells is the guage of their interest and profit. Efforts to secure this should be unremitting, but applied with a gentle pressure. Men cannot be forced to study, nor teased into it.

A connection must be made manifest to them between the work

of the schoolroom and its value to them. The schoolroom must be more attractive than the cell, and its work more desirable than sleep or solitary musings. The pecuniary and social value of education, the sense of power and elevation it brings, the pleasures to be obtained from reading, and the satisfaction arising from mental activity must be brought home to them. Though stolid men may not be brought speedily to feel the high possibilities of the world of thought, or be greatly delighted by the pleasures of the intellect, they can be made to realize how different are cultivated and uncultivated men, and to see that education gives power, secures advancement, makes one strong and confident, and opens a wide range of opportunities from which the uneducated are shut out. That the value of education is quite as much in its disciplinary power and the facility it gives to the mental action, as in the securing of facts and rules serviceable in daily life, is a thought new to them, and not, as the matter presents itself to their apprehension, entirely just. But, no teacher can suffer his work to be broken into fragments by an ignorant, hap-hazard selection or rejection of the parts useful and to be received, and of those useless and to be discarded. The only remedy for this is such a confidence in their teacher as will lead them to defer to his wishes, or (better still) such an appreciation of logical consistency and the beauty of intellectual symmetry, as shall cause them to take pleasure in the thorough and consistent performance of a mental task. And it seems to me that the full intent of being intellectually faithful affords an excellent basis for the building up of a reliable feeling of moral responsibility.

Prisoners must not be approached as children, nor dealt with as unworthy of consideration and respect. The superiority of the teacher must be felt, not asserted. They are as susceptible to praise and the feeling of ambition as children, and can be aroused to as eager an effort for the best rectitation, the most rapid work, or the neatest execution, as a class of boys ten years old. While the ambitious teacher, having a just conception of what a class and a recitation should be, will find in a prison class a standard far below perfection, yet if he is willing to accept hearty effort in lieu of model performance, he can be continually cheered by the most desirable results. To secure thorough work, too much must not be attempted. Reading, writing and arithmetic, the three memorable "R's," must constitute the staple of instruction in the

prison school. I judge from observation and experiment that the German system of having pupils during school session constantly reciting or working under the direction of the teacher is better adapted to the necessities of prison schools than the customary method of alternate study and recitation.

It is important that those organizing prison schools have just views of the results that may be reasonably anticipated. The opinion appears prevalent that an education should be obtained in such a school in a year's time, and that men who enter it ignorant, debased, with no sense of the value of knowledge, and with no mental habits adapted to its pursuit, are to be sent forth competent readers, penmen and arithmeticians in the space of a few months, or a year or two at farthest. In institutions like the Detroit house of correction, the short sentences of the men are, in most cases, a sufficient bar to any extensive results in individual cases, and the effective portion of these short sentences must be considerably abridged by the indisposition of the prisoners to study when first incarcerated, or when soon anticipating release. These men do not enter the school hungering after knowledge. It becomes the labor of the school to create the appetite it supplies. Did it do no more in a few months than excite a desire for knowledge and impart a relish for intellectual labor, it would seem to be doing all that could be reasonably asked. Education is a slow process, and is a growth as much as an acquisition. Time and reflection are important agencies in securing it. How many years our children spend in toilsomely working their way up from the alphabet to an adequate knowledge of the elementary branches! And can it be expected that men whose minds have become rigid, like their bodies, whose mental habits have become fixed, and fixed in such forms as to be unfavorable to acquisition, who have, at most, but an hour or two each day that can be devoted to study, are to compete with the young, whose whole thoughts and energies may be directed to school duties? But while extravagant, misleading expectations are to be guarded against, experience shows that much that is encouraging and gratifying may be accomplished. Under the influences of the school the dull impassiveness of countenance, the look of vacancy or of sullen endurance, are soon seen giving way to an expression of interest and cheerfulness. The face shows that there is a *mind working* back of those heavy features. The listless air, the wandering eye and more wandering thoughts, are,

in a few weeks, exchanged for eager and resolute purpose to control the powers of the mind and bind them to the task of mental improvement.

Thoughtful, hopeful minds will show themselves in contented faces; and in the shops those who attend the school can be distinguished from their comrades who do not attend, by their greater content, their quiet interest in labor, and their more manlike and hopeful countenances. Prison managers, who are quick to discern the moral influences at work among the men, have stated that the school pays in the more ready work and easier discipline of the men. This change of feeling, this awakening of an interest in new subjects, this withdrawal of the thoughts from a morbid brooding over fancied or real wrongs, over want and crime, and over events which breed envy, discontent, revenge, and despair, this waking up to the realization of a new life, of new powers and possibilities, giving a beautiful, boundless field for fresh and varied thought, creating an aspiration for a new and nobler life — this change of thought and feeling and interest and purpose is a worthy result of the most earnest and persistent labor. To secure all this, the school must not be a place where a rigorous discipline and a coarse display of authority throw a gloom over all things; where tasks are assigned, and study forced; nor should its sessions be allowed to degenerate into a frivolous toying with work and unrestrained communication; but the cheerful and industrious spirit of a true mental activity must be excited and sustained in it. How much individual men may learn will depend on their natural aptitudes and the length of their sentences, and, consequently, of their stay in the school. There is a wider range, both of talent and acquisition, in the prison school, than in the common school. Limiting the instructions mainly to reading, writing, and arithmetic, it has been found, from a year's experience at the Detroit house of correction, where instruction is given but two evenings per week, that at least *twice* the progress is made that children pursuing the same branches at the same point of advancement make in the same number of months in our public schools.

There are several things which give the prison school, in some respects, an advantage over the public school. The secluded life, tending to induce reflection; the desire of the mind for active exertion, which the school best affords; the greater force of character

and mental grasp, from the increased age of the pupils; the sense of the value of knowledge, and the feeling that it is now or never with them — are some of the special elements of success belonging to the prison school. It is not merely the new hope infused into the men; not merely the awakening of their faculties to a relish for purer delights, and the fitting them for a better society; nor is it simply the more utilitarian view of the learning of so many pages of text-books, or the acquisition of such an amount of knowledge: it is not these things alone that constitute the value of the prison school. The habit of thorough work it induces, and the self-reliance growing out of successful achievement, are at least as valuable as the benefits just recited; and they are worth quite as much to the character as to the intellect. And, surely, it must be easier, at the close of one's term of imprisonment, to commence a new life which shall be the embodiment and the expression of higher principles, when one feels the confidence which comes from strengthened powers, an increased store of knowledge, and improved tastes, than would be the case if returned to society with desires never so strong for a better life, but with powers no way augmented or invigorated to resist the evils which conquered him before.

XVII. Humanity and Humanitarianism with Special Reference to the Prison Systems of Great Britain and the United States.

By William Tallack, Secretary of the Howard Association, England.

There are two opposite extremes, each mischievous to all parties concerned, toward which systems of criminal treatment are in turn liable to tend. Either, with a narrow heedlessness of the causes of crime, they are apt to aim at mere vindictive chastisement, almost always proved by the results to be ineffectual even for deterrence; or, with humane intentions, they permit such relaxations of needful stringency as to render the condition of the criminal more comfortable and desirable than that of the honest, toiling poor, and so to increase, rather than decrease, the ranks of offenders.

Hence, notwithstanding the progress of the age in many important movements, there has been comparatively little sustained adoption of a system combining, effectually, deterrence with reformation, by making it the basis of prison discipline to compel every offender to render both amends and *restitution*, so far as possible, to the state, or to those whom he has injured, and at the same time, by a sufficiently prolonged course of labor and instruction, to form such *habits* of industry and virtue as shall furnish to the criminal himself the education and guidance which every member of human society needs from some quarter, either private or public, but which so large a number fail to receive in time to prevent evil courses.

Crime must be rendered really *unprofitable* to the criminal. His idle habits must be effectually altered, which cannot be done by the system, so prevalent in Great Britain, of causing scores of thousands of offenders to play at "bo-peep" with their jailers, by successive sentences of imprisonment for week upon week, and fortnight upon fortnight; a system which brings the law and magistracy into contempt; effects no reformation, but does great mischief by its degrading effects; affords no time for the formation, or even inculcation, of right habits; and saddles the honest rate-payer with enormous costs, which are a sheer dead loss, in

addition to the other injuries he has to suffer from this class of misdemeanants. For example, in one prison, that of Dundee, by no means an extraordinarily unfavorable illustration, the official report for 1869 admitted that "no fewer than fifty-three of the prisoners had been convicted upwards of fifty times." What a failure of the present system does this prove! Even petty offenders, if *repeatedly* so (say after at most *ten* re-committals*), whether drunkard or vagrants, should be confined (but not at the public expense) a sufficiently long time to *work out their own reformation and costs.*

Reformation should be a primary aim of any christian treatment of criminals. But prevention and deterrence require to be always simultaneously kept in view. The good Sir Matthew Hale used to say, "Pity is due to the criminal; but pity is also due to the country." The United States and some of the countries on the continent of Europe have surpassed Great Britain in the prominence and success of their efforts at reforming criminals. But in America, especially, there is being manifested a tendency (which it may be feared is increasing) to pay too little regard to the requirements of social justice and the due stringency which evil-doers deserve, and by the absence of which honest men are cruelly injured. The magistrate should not "bear the sword in vain." On the other hand, in Great Britain, there has been manifest too frequent a tendency to the opposite excess of severity, or rather to an exaggerated dependence on presumed deterrent agencies, which are shown by experience to be not really effectual even for deterrence, while they are a failure altogether as to reformation.

One of the very best prisons in the United States also affords an example of some approach toward the same danger. Thus its dietary in 1870 was the following: Monday: breakfast of fish-hash, brown bread and coffee; dinner of corned-beef, vegetables and brown bread; supper of white bread and coffee. Tuesday: breakfast of meat-hash, brown bread and coffee; dinner of baked beans and brown bread; supper of white bread and coffee; and so on through the week. Nearly seventy years ago the dietary in that prison was certainly less inviting to hungry, honest outsiders, as,

* This seems a very large number to be allowed before the lengthened confinement necessary "to work out their own reformation." Two or three would strike us as quite sufficient.—COMMITTEE ON PUBLICATION.

for example: Monday, one pound of bread and one quart of potatoes for the day; Tuesday, one pint of Indian meal made into hasty-pudding, half a gill of molasses, and a quart of soup made of ox-heads and offal. This particular prison, however, amply atones for any weakness as to the comfort of its modern dietary, by enforcing, in a most prominent degree, the great principle of restitution, at once punitory and reformatory. It makes its inmates pay handsomely, by their labor, for all expenses of punishment, for their board and lodging, and for the salaries of the officers. In addition, they earn a net profit to the state of from $24,000 to $28,000 per annum (upwards of £5,000). Thus, after all, an honest outsider is not likely to be very strongly tempted by the fish-hash and corned-beef, if he knows that for it he must be shut up for several years and "sweated" for the benefit of his chastisers to the extent of $220 (£40) per annum.

The noble state of Massachusetts and its able prison governor, Mr. Haynes, may point with just pride to their system of treatment, especially when they can say of its results:

"Every man capable of it, learns a good trade; one at which he can work when discharged and earn good wages. In regard to reformation, that is, the preventing them from again committing crime, *the latter has more influence than all other agencies united.*

"The evidence of the reformatory influences of this prison is to be found in the great number of discharged prisoners in this immediate vicinity holding important positions of trust, *leading honest lives*, supporting their families, and educating their children by working at the trades they learned in this prison."

As regards criminal repression in one of the principal states of America, a gentleman of much observation, Dr. Joseph Parrish, remarks in a paper on "Professional Criminals," recently issued, "There is no real *punishment* for crime in Pennsylvania. The so-called penalties are laughed at by the recipients, and neither deter nor disqualify them from its incessant perpetration. A convict is sometimes fined; not always. Whether he invariably pays his fine, may be doubted. *Certain it is, that he never re-imburses his victim.* This act of justice, which ought to constitute an inexorable portion of his sentence, is not so much as thought of; and when his term has expired, he returns unabashed to his profession, and punishes the public deservedly for its culpable forbearance toward him. Out of some twenty thousand miscellaneous arrests

in Philadelphia per annum, there are but about one thousand convictions!"

In some countries of Europe, but especially in Great Britain, the systems of criminal treatment have tended usually to an extreme of inconsiderate severity, though it must be admitted that during the past few years much improvement has taken place. While the dangers of undue laxity in the United States appear to have sprung from the influence of ultra democratic immigration on a large scale, importing the, mischievous pseudo-philanthropy of continental socialism, so different from the shrewd common sense and humanity of American Quaker legislation; on the other hand, the ultra severity and often unjust one-sidedness of the British criminal treatment may be traced to the exaggerated caste distinctions which are the surviving form of the military feudalism of the middle ages. The upper and well-to-do classes are but too slow to recognize that criminality is more commonly a result of miserable antecedents, neglected training, drunken parentage, congenital imbecility, and other similar *pitiable* causes, which certainly demand, more especially from a christian people, a very considerate and discriminating application of penal discipline. Much advancement has, however, taken place in England since the days when the late Mr. Clay, the chaplain of Preston jail, first raised his voice for a more christian system; but even now, there is frequent occasion for being reminded of the remark made by his biographer: "Nothing filled him with more anger and disgust than to hear selfish cowardice crying for indiscriminate vengeance on all sorts and conditions of criminals; as if the comfort and ease of the vocal self-asserting respectability, which rides paramount on the surface of society, was altogether to outweigh the rights, temporal and eternal, of the helpless and inarticulate mass that lies below." (*Life*, p. 212.) And it is evident from the discouraging speeches of certain persons in prominent positions, some of whom it is the fashion to praise as oracles of wisdom in the treatment of criminals, that these are still very ignorant as to the cheering results which, in various establishments, have followed the adoption of a guardedly humane and reformatory treatment, based on principles of united common sense and christianity. Here, again, the tendendency of the majority of influential persons in England to undue severity has been chronic. The work just quoted, in

speaking (somewhat too sweepingly) of Clay's first efforts, remarks: "Paley, whose works were text-books at our universities, feared that little was practicable in the reformation of criminals; grave judges, able editors and popular novelists had indorsed the opinion. On the other side there were only a few simple-minded chaplains, some enthusiastic christians, and — *the bible.*" (p. 266.) Perhaps few writers have inculcated this "crushing" theory, as it may be termed, so persistently as Carlyle, an author whose teaching has thus been summarized by a great orator: "The strongest, the educated, the powerful, have the right to have the world to themselves, and to absorb the less privileged in their enjoyable career. Carlyle represents that element in modern literature. *Christianity ignores it in its central principle.*" The Son of Man came to seek and to save that which was lost. The bruised reed He will not break. The smoking flax He will not quench. Gifts, talents, powers are bestowed by Him in *trust* for the blessing of others beside the recipients.

The writer has no desire to depreciate British institutions, which, as a whole, will compare favorably with those of any other land in any portion of the world's history. He gladly recognizes the successful results of the efforts of such earnest laborers as Romilly, Buxton, Fry, Lushington, Brougham, Russell, Jebb, Maconochie, Clay, Crofton, Mayhew, Organ, Carpenter, the Hill family, Shaftesbury, Derby, Kelly, Bright, Bowring, Adderley, Teignmouth, Lichfield, Aspland, Hastings, Hanbury, Perry, Turner, Baker, Sturge, Hibbard, Ewart, Gilpin, Fowler, Pearson, and many others, in ameliorating criminal treatment. Nevertheless, facts compel the conviction that, among a large and influential class of the English people, there is still to be found a spirit of exclusiveness, a selfish inconsiderateness for the less favored classes, which is far inferior, in nature and degree, to the prevailing temper of American and continental christendom. On some occasions, indeed, as, for example, in the vengeance taken on Indian mutineers by blowing them alive from guns; in the spirit displayed by the wide-spread adoption of the epithet (meant to be opprobrious, but really most honorable) affixed to the name of one of the best and most prudent vicegerents who ever served the British Crown — "Clemency" Canning — and in the murders of even innocent persons committed by order of certain so-called "courts"-martial in the West Indies,

some of the influential classes of Englishmen have displayed a ferocity as truly savage as that of uncivilized barbarians.

At any rate, so much of exclusive harshness remains in the system of English criminal treatment as to constitute a decided national defect. This is intimately associated with a very prevalent practical disregard (even by many christian persons) of the great fundamental truth that the greater portion of crime is the result of poverty and early privations.

This truth is indeed a radical one, and ought to form a portion of the very basis of all systems of criminal treatment. *The great bulk of crime is the result of privation or misfortune, either in morbid, pitiable, physical conditions, or in defective mental development.* Let any number of prisons be visited, and it will be found that only some five per cent or less of their inmates belong to the well-to-do, educated classes. The great body of them will be found to consist of the poor, the neglected, the unemployed. "Lest I be poor and steal" is a scriptural motto, which is too painfully illustrated by the experience of all ages and countries. Hence it becomes a simple matter of justice to make criminal treatment reformatory, and not merely punitory or deterrent.

That *most crime is the result of privation or misfortune* is proved, not merely by the universal preponderance of poor persons in gaols and penitentiaries, but in an equally striking manner by observations and investigations in reference to the prevalence of insanity amongst criminals. Again, it is proved that insanity and poverty are very often mutally connected in the relations of cause and effect. The progress of psychological and medical science of late years has given greatly additional support to the claim for humane consideration, which is based on this aspect of the question. And it is important to bear in mind that the plea of insanity, in this special bearing, is not merely or mainly to be urged on the ground of eccentricities and individual peculiarities which are compatible with the ordinary and responsible citizenship, but chiefly from the evidence of *morbid physical symptoms* and *bodily deficiencies.* It is this *union* of bodily and mental imperfection which constitutes at once the surest test of pitiable disease and the most reasonable and reliable security against false or suspicious allegations of irresponsibility. Yet such a union is so frequent a characteristic of the inmates of prisons as to be a constant subject of comment in the reports issued by the medical and other officials.

The following statements are but a few out of many similar ones:

Dr. Thompson, resident surgeon of the general convict prison for Scotland, at Perth, states, in a paper on "the hereditary nature of crime," issued in 1870: "The writer has visited the great prisons of England, Ireland and Scotland; and in all these the authorities, governors, chaplains, surgeons and wardens concur in stating that prisoners, as a class, are of mean and defective intellect, generally stupid, and many of them weak-minded and imbecile." He also says: "Intimate and daily experience, for many years, among criminals has led me to the conviction that, *in by far the greater proportion of offences, crime is hereditary.*" He adds that this hereditary or congenital tendency is in most cases associated with some *bodily* defect, "such as spinal deformities, stammering, imperfect organs of speech, club-foot, cleft-palate, hare-lip, deafness, congenital blindness, paralysis, epilepsy and scrofula."

The juvenile criminals at Parkhurst have been reported by the government inspector as "deficient in physical organization — a large number weak in *body* and mind."

At the Exeter meeting of the British association, 1869, Dr. Wilson read a paper on "the moral imbecility of habitual criminals, as exemplified by cranial measurements." He reported that he had examined and measured about 460 heads of such persons, and from the observations he had made he had no doubt that habitual criminals were cranially deficient, especially in the anterior lobes of the brain. He says: "The cranial deficiency is also associated with a *real physical deterioration.* Forty per cent of all the convicts are invalids, more or less; and that percentage is largely increased in the professional thief class."

Dr. William Guy, secretary of the London statistical society, and physician to Milbank prison, one of the most competent authorities on such a question, has tabulated the "judicial statistics" for thirty years. He arrives at the following conclusion: that "the criminal population contains a much larger proportion of insane members than the community at large;" and says (in 1869), "we have at this moment, within the walls of Milbank prison, upward of 200 convicts so unsound in mind as to be deemed fit occupants of special wards, and yet not deemed quite fit for the lunatic asylum." But he remarks: "The lunatic asylum is not only their proper place, but would be a truly *economi-*

cal substitute, in a large number of cases, for the work-house, the hospital and the prison."

In respect to criminal lunacy, English law has not kept pace with the advance of medical and psychological science. The views implied by the statute-book on this subject are akin to the ignorant ideas of the ages which believed in witchcraft and astrology. Even eminent British jurists continue to display astonishing ignorance on this point. For example, Lord Chancellor Westbury protested, in the house of lords, against "the evil habit which has grown up of assuming that insanity is a physical disease," and deprecated the opinion "that a man should have studied the subject of insanity in order to form a conclusion whether a man is, or is not, a lunatic." Why did not his lordship also deprecate the opinion that a lawyer should study law or a sailor navigation? Dr. Maudesley remarks: "It may well be doubted whether a lord chancellor ever before gave utterance to so errroneous and unfortunate an opinion." English law assumes that there is no real insanity in cases where a criminal knows the nature and consequences of his actions. It takes no cognizance of the absence of the ability to restrain those actions. Yet, in fact, the government of every lunatic asylum is based upon the idea that the inmates can distinguish between right and wrong, and observe rules accordingly, although unquestionably insane.

The physical aspects of convicts have become almost proverbial. Bullet heads, low brows, projecting ears, weasel eyes, and other bodily indications of deficiency, are but too general among them. And, in the case of some of the most ferocious criminals, there have repeatedly been discovered, after death, morbid conditions of the brain or other organs, in the shape of tumors, cancers, ulcerations, or irritating secretions, which have fully accounted for mental or moral defects. Hence, there is reason to believe that some of the most horrible murders that have been committed may have been the result of concealed physical causes or previously unsuspected latent madness. Such persons should be treated as madmen, and confined safely for life. Not even to gratify popular vengeance against such should the capital penalty be retained, inasmuch as that penalty, *incomparably more than any other*, promotes the escape of the guilty, and insures an excessive *irregularity* of punishment, *most mischievous and dangerous to the general security of life*, and most counteractive to deterrence.

Poverty, alone, with its involved or concomitant privations, is an active cause of a large amount of physical disease, morbid bodily conformations, and transmitted tendencies to vice and insanity. Its effect on the body is strikingly shown by an illustration adduced by Dr. Pritchard, the author of "The Physical History of Mankind." The conflicts in Ireland in the seventeenth century drove many of the natives into the mountains of Sligo and Mayo. "Here they have been, almost ever since, exposed to the worst effects of hunger and ignorance, the two great brutalizers of the human race, gradually producing, in their case, open, projecting mouths, with prominent teeth and exposed gums. Their advancing cheek-bones and depressed noses bear barbarism in their very front. Five feet two inches on an average, pot-bellied, bow-legged, abortively featured, these spectres of a people that were once well-grown, able-bodied and comely, stalk abroad; while in other parts of Ireland, where the population has never undergone the influence of the same causes of physical degradation, it is well known that the same race furnish the most perfect specimens of human beauty and vigor, both mental and bodily."

The crushing burdens of poverty, its harassing anxieties, the protracted struggle for a bare existence, the influences of squalid, filthy dwellings, driving their inmates to pot-houses and gin-shops and drunkenness, in turn perpetuating squalor and penury, produce in innumerable cases a prostration of body and mind, a hopelessness and despair, which become confirmed habits, and then, to a large extent, are transmitted as hereditary misfortunes, intimately associated with imbecility, insanity, and crime.

In 1854 the legislature of Massachusetts appointed a commission on insanity. They reported: "We find that the pauper class furnishes, in the ratio of its numbers, sixty-four times as many cases of insanity as the independent class." The *Pall Mall Gazette* of April 11, 1870, remarks as to insanity in Great Britain: "The increase of lunacy is not to be found among educated men, *but is to be traced almost wholly to the pauper class.* In proof of this, it is enough to state that in the five years ending January 1, 1867, the increase of private patients in asylums was 36, while the increase of pauper lunatics during the same period was 5,049." Dr. William Guy, after proving the prevalence of insanity among convicts, proceeds to say: "Convicts, though much more liable to insanity than the general population of which they form a part,

much less liable to it than the young and middle-aged adults
ong the inmates of our work-houses."

But insanity tends, beyond almost every other form of disease, perpetuate itself by *hereditary* continuation. Dr. Maudesley, his "Physiology of the Mind," says: "The more exact and upulous the researches made, the more distinctly is displayed influence of hereditary taint in the production of insanity. e proportion is put by some authors, as Moreau, as high as nine-ths, by others as low as one-tenth; *the most careful researches eeing to fix it as not lower than one-fourth*, if not so high as -half."

The Duke of Argyll, in his admirable work, "The Reign of w," remarks, in connection with hereditary influences: "Or-ans, who have never had any opportunity of acquiring, by imi-ion, the peculiarities of their parents, will often, nevertheless, roduce these peculiarities with curious exactness. This is a iliar fact; and *how much this fact implies!* Even when the eritance is merely some congenital habit of body, or some trick manner, it may probably imply some resemblance deeper than ears. For the body and mind are in such close relationship t congenital habits of body are sure to be connected with con-ital habits of mind. But we forget how often these laws of eritance must be working invisibly where they never break und upon the surface. And thus it is brought home to us, how mind may be subject to laws of which it is unconscious; how whole habit of thought and the aspect in which different ques-ns present themselves to its apprehension, are, in a great meas-, determined by the mysterious forces of congenital constitution." 300). How many a criminal career, and how many a sudden burst of violent crime, in persons whose previous conduct has n decorous, may have originated in these "mysterious forces congenital constitution!"

From the incontrovertibly close connection of poverty with anity, and of insanity with crime, it is a manifest conclusion t justice must be tempered with a very considerate mercy and eful discrimination with regard to the inmates of prisons and itentiary institutions. Hence, too, the injustice, not to say elty, of punishing such with penalties calculated — and, as erience shows, often very erroneously calculated — merely to er. It would be as just to punish blind and lame men for

their inability (through the visitation of God) to perform the functions of perfectly constituted persons, as to inflict on insane or hereditarily weak-minded criminals further restrictions *than may be necessary to secure society from being injured by them;* and while these restrictions are made use of, ameliorative or restrictive influences become a bounden duty, instead of being, as they are too often termed, mere "sentimental humanitarianism."

Dr. Prosper Despines (in his comprehensive work, "Psychologie Naturelle," 3 vols., Paris, 1869), after a study of criminals for many years, states that, in the case of most of the more violent crimes, their perpetrators are, as a class, observed to manifest a natural *privation of the moral sense*, indicated generally by a total deadness of conscience *before* the commission of crime, and a complete absence of remorse *after* it. This condition is also generally associated with great indifference to punishment, even to the infliction of death. A writer in the *Edinburgh Medical Journal* (April, 1870), remarks, in reference to this absence of the moral sense: "Of thousands of habitual thieves, we have never known, in a single case, any remorse. Of the criminal lunatics of Scotland who have committed murder and become sane, we could never learn but of one who showed contrition." Dr. Despines unites with other observers of criminals in largely attributing this apathy to congenital causes, and especially to defective organization of the brain and nervous system. He considers that merely deterrent punishments are unjust and inefficacious as to this class. Society must be carefully protected from them. They must be confined for all their life-time if necessary. But they must not be vindictively punished for not possessing faculties which God has not bestowed on them. Experience has shown that much may be done towards *implanting* and developing moral feelings, even in such persons, by means of reformatory and industrial influences. And among those who have been thus reformed, have sometimes been persons comparable to mere brutes and beasts, so far as their characters had previously been constituted by congenital influence and by the wretchedness of their poverty, ignorance, squalor and vicious training.

There is abundant testimony of prison officials that criminals justly require a considerate and discriminative treatment. Mr. R. M. Gover, medical officer of Millbank prison, reported, in 1868, that out of 943 convicts there, 34 were insane, 218 were "weak-

minded," in addition to which there were many epileptics. He added: "I do not concur in the opinion which is entertained by some, that invalid convicts have in most cases disqualified themselves for hard labor by indulgence in vicious and irregular habits previous to imprisonment. On the contrary, it appears to me *that the great majority* of these prisoners are either men of *originally feeble constitution*, or the subject of diseases and infirmities which have been contracted *through circumstances over which they have had no control.*"

These circumstances are mainly connected with poverty, privation and their usual accompaniments — wretched dwellings, neglected childhood, early disease, orphanhood, training amid filth and vice, etc. As to dwellings alone, how suggestive are the statistics of large cities. For example, in the better parts of Glasgow the inhabitants only average 34 per acre, and in those parts the annual death-rate is 5 per 1,000. In the squalid parts (not the worst) the average is 328 per acre, and the death-rate 34 per 1,000. That is, 29 persons per 1,000 die annually from the mere difference of habitation. In Edinburgh the death-rate in the worst parts is 60 per 1,000; that is, 55 per 1,000 die in consequence of their poverty. How much disease, temptation, insanity and crime are here involved in addition to the deaths! How loud the call for treating the faults of such a population with a firmly reformatory, humanely elevating system, while at the same time the preventive agencies of temperance, economy, self-help, education and improved dwellings are also requisite.

Occupations, of a merely penal nature, are encouraged (if not enforced) by the English prison act of 1865, notwithstanding the strongly unfavorable opinion of many experienced prison governors and magistrates as to their tendency. The sole argument for their application is the necessity for making jail employment disagreeable. But this object has been found fully attainable by means of useful task-work, and by the prisoners being made to earn a considerable proportion of the expenses of their own punishment. But while they are employed at the tread-wheel or shot-drill, they have a vicious satisfaction in feeling that, in addition to the crimes by which they have injured society, they are punishing the honest rate payer by making him pay for their maintenance, instead of being obliged to support themselves. It is a most salutary part of punishment to compel the offender to find

the cost of his own chastisement. "Do you mean to say I have earned so much toward your salary?" exclaimed a prisoner lately to a governor, who had enforced remunerative occupation. "Yes, you have earned for the jail nearly double the cost of your keep." "Then you shall never see me here again," was the reply. And he has kept his word. The only real use of the tread-wheel is as a *reserve* punishment for men who refuse to perform their tasks of more remunerative occupation. But, even in such cases, it has been found that a day or two in a dark cell, on low diet, is quite as effectual for bringing refractory prisoners to reason; and the latter punishment does not involve an outlay of £1,000 or £1,500, as the tread-wheel does, with at best a very dubious return. Further, the tread-wheel is an unequal punishment. Some of the practised "jail-birds," and the more ruffianly ones, find it comparatively easy; while the weaker prisoners incur the risk of ruptures and other injuries (sometimes life-long) in consequence. The chaplain of a large English jail has recently reported a dozen such cases, of injury from the wheel, to visiting justices, who had reported favorably of its use in that prison. The large number of men exempted by prison surgeons from the wheel proves its danger and unfair application. For instance, at Liverpool jail, out of 2,565 males, during the year, 399 are reported by the surgeon as unable to undergo the tread-wheel, in addition to 542 youths, exempted by reason of their age. Again, at Coldbath Fields prison, London, the magistrates recently reported that "more than twenty-five per cent of the prisoners are excused the wheel by order of the surgeon." So large a proportion of exceptions proves a very dangerous rule. *No surgeon whatever can administer such a rule with safety to hundreds of prisoners.*

A fallacious opinion as to the practicability of reforming criminals exists even among persons from whom better acquaintance with the subject might be expected. Lord Carnarvon, for example, has recently expressed his incredulity on this point. But, on the other hand, lord Harrowby, lord Derby, lord Lichfield, and other noblemen, actively experienced in aid to discharged prisoners, have shown, not by mere opinions, but by abundant facts, the constant and large actuality of reformation which may be effected. Thus lord Harrowby, at a recent meeting of the Stafford discharged prisoners' aid association, said: "During the past four years the agent to the society recommended for employment 350 discharged

prisoners, and of that number only one has robbed his employer. Had that happened in the case of 350 unconvicted persons, it would have been accepted as a testimony to the virtue of the entire body; but applying to 350 persons who have been convicted of crime, it is a remarkable circumstance, and *shows that those who have once passed through gaols are not such hopeless objects as is generally supposed.*" (It may be mentioned that at Stafford gaol special efforts are made to inculcate useful industrial habits. Again, at Knutsford gaol, in Cheshire, it used to be the custom to employ the prisoners at remunerative labor, and to allow them one-sixth of the profits as a fund for aid on discharge, or for the support of their families. The money was placed in the hands of the police superintendents or church wardens. The governor reported that *very few prisoners who earned much money under this rule ever returned to prison.*)

Mr. T. B. Ll. Baker, of Gloucester, has for many years advocated the industrial treatment of ordinary prisoners, at least during the latter portion of their detention, in agricultural or manufacturing establishments, which he would term "*adult reformatories.*" He argues that, as similar reformatories for youths, under the management of private individuals or associations, responsible to the home secretary, have resulted in a great diminution of juvenile crime, satisfactory consequences would also ensue if the same principle were extended to the better class of adult prisoners. No new act of parliament is needed to carry out this view. The home secretary could declare any such establishment a prison. Nor would further grants of money be needed. The success of the prison farm at Lusk, Ireland, so admirably managed by the late Mr. J. P. Organ, points to the desirability of largely increasing the number of such institutions. But hitherto it has scarcely been imitated, except on the continent of Europe, as in France, Belgium, etc.

In conclusion, it may be repeated that, whilst the deterrence of criminals is a principle justified by necessity and warranted by scripture, within due limits, and while justice to the virtuous and peaceable citizen requires the treatment of the evil-doer to be really a punitory one, yet the great, and, it may be truly said, the overwhelming, proportion of poor, ignorant, neglected, and physically or mentally defective persons, in the ranks of offenders, demands much more practical consideration from the framers and

administrators of the law than it has hitherto, for the most part, received.

It is not given to the wisest human judge to pierce the motives and weigh the temptations of the erring. While seeing the effects of dominant evil, he, in general, "knows not what's resisted," nor can he measure the real amount of extenuation. Hence, while inflicting penalties which ought to be "a terror to evil-doers," two other duties are equally to be borne in mind: firstly, to restore the offender to liberty, with really *altered habits;* and, secondly, to render to society some, if not complete, amends for the injury which it has sustained. Happily these two results are not merely compatible with deterrence and prevention, but are, when most efficiently administered, *the very best forms of securing these important objects.*

XVIII. District Prisons under State Control for Persons convicted of Minor Offences: Size, Organization, and Discipline suited to them.

By Rev. A. G. Byers, Secretary of the Ohio Board of State Charities.

The idea suggested by this caption comprehends the apportionment of the entire state into separate districts for prison purposes, and the eligible location and erection, within each of the several districts, of a prison which, under a general system of construction and management, shall be intermediate between the county jail and the state prison; the same to be so organized and operated as to adapt it to the punishment of minor offences, and at the same time promote the reformation of such offenders.

Before proceeding to a consideration of the details of the subject assigned me by the committee of arrangements, as comprised in this general statement, I desire to urge an earnest but respectful protest against the employment of the term "prison" in connection with such institutions as are here proposed.

Every thing in our land bearing the name of *prison* (regardless of the high character of some of our penal as well as correctional institutions) has been brought into disrepute by long-continued abuse and shameful mismanagement.

No new provision for the public punishment of transgressors, however thorough the system of reform under which it might be established, could be baptized into the same name without incurring a measure of the same odium. I feel assured, therefore, that I shall be pardoned if, while adhering to the general idea of the committee as to the character of the institutions proposed, I consider them under the name of *district houses of discipline for persons convicted of minor offences.*

The necessity for some such institution is widely, almost universally, felt. The unrestrained prevalence of such offences for want of some suitable provision for their restraint or punishment; their aggravation by such punishments as are inflicted in city prisons, chain-gangs and county jails; and the unmitigated, often unmerited, disgrace incurred for comparatively slight offences by imprisonment in state prisons, are among the prominent grounds on which this necessity is maintained.

Public economy might also be urged, if not as a necessity, at least as an important measure of relief from the burdens now imposed upon society in the maintenance of idleness, vagrancy and crime. But, above all else, there is a necessity for some well-adjusted system of reform in the administration of criminal justice, and in the general administration of our penal and correctional institutions.

In seeking to determine how far houses of discipline would meet these necessities, we are not called upon to discuss abstruse questions of penal science, or to walk in new and untried paths of prison reform.

While it is true that houses of discipline, for persons convicted of minor offences (strictly so called), constitute no part of any general prison system in our country, it is also true that both the utility and the practicability of such institutions have been tested and proved in the existence and successful management of many of our houses of refuge, work-houses and houses of correction. Massachusetts approaches the idea as a part of the general system for the state, but fails in its application practically, by making her houses of correction county institutions, and leaving their management chiefly, if not altogether, to local control. But from this failure profitable experience is derived; and, as it is directly in the line of our present observation, we quote the language of the secretary of the board of state charities of that state in relation to these county institutions. In the last very able and excellent report of the board, the secretary, under the general head of county prisons, speaks thus: "It will be observed that the number of prisoners in several of the county prisons is very small, too small to warrant the expense of such establishments in every county. Were the whole care and cost of the prisoners throughout the state directly dependent upon an individual or a corporation, or upon the commonwealth itself, far the larger part of the houses of correction would be closed at once, and the prisoners concentrated in a few places, as dictated by the plainest principles of economy, and, at the same time, much more favorable than the present system to the objects of confinement. More efficiency of administration, a wise husbandry of resources, increased revenue from prison labor and a vast decrease in the necessary number of officials would be the result of such concentration, while a better classification of prisoners according to age, sex and criminality might be effected."

Thus is the question of the practicability and utility settled, while the advantage of districting the state for the purpose is made plain, not only as a measure of economy, but as affording enlarged facilities for instituting agencies of disciplinary reform. In the absence of any thing like accurate or complete statistics of crime, especially of minor offences, some difficulty is suggested as to the proper apportionment of a state, but it is safe to suppose that (as in civil and political affairs) the necessities of the case and the ends to be attained would readily determine such apportionment. This, however, involves the subject of state control, and as such control is essential to the entire scheme of prison reform, and especially is fundamental to the efficiency of such institutions as are now under consideration, it would be proper, if time would allow, to devote such attention to this part of the subject as its importance demands. Fortunately, we have at hand the results of intelligent and extended observations made by the New York prison association, and we submit as (to our judgment) conclusive testimony, on the importance of a *central* (prison) authority of the state, the following extract from the last report of that association:

"It is the conviction of this association, deeply felt and often expressed, as the result of its long and wide study of our prisons, that in any comprehensive re-organization of our prison system, the creation of such central authority will be found absolutely essential." * * * * * "Without some such supreme authority, ready at all times for deliberation and action, there can be no homogeneous system of administration, no well-directed experiments, no careful deductions, no established principles of prison discipline, nor any skillfully devised plans for carrying such principles into effect."

In support of this view, the association quotes facts of experience taken from the history of Canadian prisons under the late provincial government, where, for eight years, beginning with 1859, the prison system of that country was operated under a central prison board. It is stated in general terms that, under this system, "reforms of great breadth and importance were inaugurated," and the following details are given: "Many new jails were erected, and many others materially improved, on plans approved by the board; a uniform dietary was established, whereby the annual cost of rations was brought down from $89.25 to $32.85 *per capita*.

Carefully prepared registers were introduced into the jails, b means of which criminal statistics of great value were annuall collected and published; and central prisons, intermediate betwee the provincial penitentiary and the common jails, in which reformatory discipline could be introduced, either had been, c were about to be, established at convenient points throughout th provinces." Were it needful, additional facts might be given, co responding to the above, as derived from personal observations mad by the writer under the direction of the board of state charities o Ohio, where, in the exercise of simple supervision, without actu authority to control, many important changes in the constructio and management of county jails have been accomplished within th past three years; but nothing need be added to the views alread given, as the result of long and close study and intelligent observ tion, confirmed, as they are, by the facts thus quoted. We, ther fore, conclude that the efficiency of district houses of disciplin is wholly dependent upon the establishment of such centr authority of the state.

As to the establishment of this control, or the best method o organizing such authority of the state, differences of opinion ma exist. We submit, as a plan least objectionable, and at the sam time likely to prove efficient, the same mode and measure of co trol which, in many, if not most, of the states, now prevails ov public charitable and benevolent institutions. These, usually, a organized under local boards of trustees, appointed by the governc of the state, and approved by the senate. In addition to thes local boards there are now, in several states, state boards, commonl denominated "boards of state charities," which have general supe vision of all the public institutions of the state, penal and corre tional, as well as charitable and benevolent.

Local boards may, if properly constituted, be presumed to kno more of local necessities, and, from familiarity with local facilitie may be better able to provide for the immediate wants of loc institutions, while, on the other hand, observations made and th experience derived from a general oversight of all the public inst tutions would enable the state board to establish general principl in their organization, and secure uniformity in their constructio and management.

MINOR OFFENCES.

In a legal sense, minor offences "cover a multitude of sins. Under the common law, they comprised every grade of crim

short of felony, or all crimes not punishable by death. Under statutory law, all crimes are graded and classified, and yet the proportion of minor offences to higher crimes is scarcely affected by the intervention of statutory law. When theft to the amount of "forty shillings" constituted a felony punishable by death, felonies were in much the same proportion to misdemeanors as higher crimes are under the statute law to minor offences. But the common law, however severe its penal sanctions, was more discriminate in its administration than the criminal codes of our day. The one had its well-defined object and its appropriate modes of punishment for misdemeanors as well as for higher crimes, which may scarcely be claimed for the other. Under the criminal code of Ohio, misdemeanors, as compared with higher crimes, are more than two to one, to say nothing of minor offences (technically so called, which constitute a still lower grade of transgression) and of offences under the municipal code, all or nearly all of which are punishable by imprisonment. Yet, with all this prodigality of penal enactments, the state of Ohio has but one alternative in the treatment of misdemeanants between the state penitentiary and the county jail, and that is the absolute and unconditional remission of sentences, for the want of appropriate places and modes of punishment.

As to the wrong done to individual character and its reflex influence upon society by sentence to the state prison of persons convicted of comparatively triffling offences, little need be said. The extent of this wrong is, however, far greater than is generally known. Of 1,120 convicts received at the Ohio penitentiary during five years, ending November 1st, 1869, more than one-fourth of the number were not over twenty-one years of age. Of these, ninety-seven per cent were first convictions, more than one-fourth were sentenced for but one year, and nearly four-fifths of these youthful convicts were sentenced for terms not exceeding three years. These figures need no comment, nor need it be said that, in a vast majority of the cases, they prefigure for the youthful convict an everlasting disgrace. We may not discuss here the real design or appropriate use of county jails, neither may we venture upon a description of their general condition and management. That they are recognized under the law as houses of detention, and employed as such, for persons held under suspicion of or indictment for crime, is of itself sufficient to indicate the

importance of restricting their use to this one particular purpose. At all events, that, as at present organized and managed, they are not adapted to any approved object or mode of punishment will be very generally, if not universally, conceded. Furthermore, that our county jails are not susceptible of such changes in their construction and management as would adapt them to the end in view, and be at the same time compatible with public interests, or subserve the ends of public justice, has been demonstrated in the experience, already cited, of county prisons in the state of Massachusetts. Notwithstanding these plain facts, a daily average of over five thousand persons are annually imprisoned, for terms longer or shorter in the county jails of Ohio. But large as the figures are, no one supposes that they adequately represent the criminal population of the state. These are but the tithings of crime, as compared with the hosts of loiterers, vagrants and petty criminals, who prey upon the peace and prosperity of society, and whose offences are virtually compounded by the imposition of fines, or with those against whom there is "no law" because there is no appropriate or efficient modes of punishment.

Beside these, there are other classes of misdemeanants, not merely in the legal, but in the highest social and moral sense; criminally guilty classes, who, for the same reason — ostensibly the same, at least — go unwhipt of public justice.

Among these may be mentioned the large and *very* respectable (!) class of criminals, who compute carefully the cash value of the law, fixing their own prices accordingly, and always with a view to large profits and quick returns — the "capitalists of crime," as Mr. Edwin Hill, of England, has fitly named them — who violate law with impunity, or at most at its commercial value. These read (as distinctly as though it were a broker's sign) over the doors of our temples of justice: "Bills (of indictment) discounted here at the lowest possible rates;" and with illicit gains, the fruit of rents on gambling and drinking saloons, or houses of prostitution, or receipts (just as legal and no more dishonorable) on stolen goods, they not only buy the law but, by means of ill-gotten wealth, are able to maintain social respectability. This is no mere fancy. Nor is it such a fact (for fact it is) as necessarily impugns the integrity of our courts of justice. The courts can do little if any better than they do, and just so long as the state fails to provide for the public punishment of such offenders, there

can be no assurance of protection from them, while (if so disposed) judges may be utterly corrupted, and, hiding their corruption under semblance of law, cast discredit, if not dishonor, upon the entire judiciary of our land.

But, without further reference to this class of offenders, there are social aspects of the subject to which we may well give some attention.

Social interests are far more deeply involved in the repression and punishment of minor offences than is generally supposed. That such offences lead to higher crimes, and that the repression of the less must prevent the development of the greater, need not be argued. But these lesser offences affect the social and moral interests of the community more directly, often more deeply, than do the higher forms of crime, upon which public sentiment, as well as public justice, visits swift and often terrible retributions.

Compare gambling with theft; take the social and moral influence of the illegal sale of intoxicating drinks as compared with arson or murder; who will venture to weigh the consequences to society of the one of these forms of crime as against the other? Or, who will take the entire catalogue of higher crimes, and let these stand for one source of social evil and of moral wrong, and then take the single statute which prohibits the sale of intoxicating drinks, and let the violation of this one statute stand for the other source of social and moral evil — then take human life, physical health, intellectual power, moral rectitude, domestic peace, social order, property, — any thing, every thing, that may in any wise enter into the sum of human happiness in the present life or of human hope for the future — and who will say that the single minor offence is not more hurtful than all the higher crimes of the code put together? This is no philippic against the law. The law is wise in its discriminations of guilt; but that it has been most improvident of means for its punishment is a fact that society must continue to deplore until such provision is made. We cannot forbear the citation of the following figures, as confirming our view of the necessity for some form of public punishment that would be either deterrent of such offences or reformatory of such offenders. During the year 1869, there were 1,017 persons in the state of Ohio prosecuted under the criminal code for crimes against persons or property. Of these, five were executed, 318 were imprisoned in the state penitentiary, and 155 were imprisoned in county jails.

During the same year there were positive convictions under the liquor law of the state, to the number of 1,080, and of this number only *thirteen* persons were sent to jail.

But why enlarge? We have already assumed (and we think proved) the necessity for some further and better provision upon the part of the state for the punishment of such offences. We have tried, by a further view of the numbers of such offences, the character of the offenders and the social and moral tendencies of their crimes, to ascertain, if possible, the measure of legal and moral obligation resting upon the state to make such provision. We have but touched upon the shore of this moral Gadara, where those possessed with evil spirits, whose name is "legion," and whose dwellings are, with a strange literalness, among the "tombs," whose habits are exceeding fierce and hurtful, and whom, as yet, no law hath been able to bind, and whom no man hath tamed. We have looked upon these with the hope that, in view of the torment which they suffer themselves, as well as of the dangers with which they menace others, we might be able to suggest some plan of relief; some plan that might be consonant, in spirit at least, with the method of Him who hath shown us plainly that the best rebuke of evil, however violent, is to make compassionate recognition of its victims, clothe them in a right mind, and thus restore them to their friends and to society.

Therefore, in the following suggestions, we endeavor to keep in view the necessity of punishment for the commission of crimes or offences against the law. It is not even mitigation of punishment we seek. There are those who will derive their best, if not their only ideas of the majesty of the law from the certainty and security of its punishments; but we do need some discrimination, some proper adjustment of penalties, with a view to remove all ideas of vindictive punishment, and to impress, if possible, upon the mind of the criminal that his own good, as well as public protection, is sought after in the discipline to which his wrong-doing has subjected him.

We now come to the question, What shall be the size, organization and discipline of the proposed institutions?

I. SIZE.

The premises of a house of discipline might, very profitably, embrace a good sized farm — say, of from one hundred to three

hundred acres; but never less, at least under ordinary circumstances, than fifty acres.

Labor that could not be otherwise employed might be rendered useful, if not highly profitable, in developing the resources of the lands, and in producing needful supplies of food, and be, at the same time, of incalculable advantage in promoting the health and discipline of the inmates.

a. Buildings. — These should be ample to accommodate the maximum number of inmates, so that no crowding should occur, and, especially, that no one department should encroach upon another.

b. Construction. — Buildings should be so constructed that, in addition to the residence of the superintendent, the chapel, hospital, customary offices and such other apartments as necessarily pertain to the general management, they should include three separate and distinct halls, managed upon somewhat different plans, with a view to the classification of the inmates. Corresponding to the number of these halls and the number and grades of prisoners, there should be shops, large, airy, well-lighted, comfortable and convenient.

c. Location. — The location of the house should be selected with a due regard to healthfulness, accessibility, facilities for supplies, the organization of prison industries, and social surroundings.

d. Capacity. — By capacity, we mean the number of inmates to be received and treated in any one house. In fixing the capacity, the minimum as well as the maximum numbers are to be considered. As to the former, principles of public economy are to be observed; as to the latter, principles of prison discipline should be very carefully regarded. The minimum should in no case be less than would, under judiciously arranged industries, so reduce the cost of its maintenance as in the end to justify the necessary expenses of the institution. For instance, let the minimum number of inmates be fixed at one hundred. This number of prisoners, in the jails of Ohio, at the present average rate per day of maintenance, would cost the people of the state an aggregate per annum of $18,250. Allow that the same number of inmates, in a house of discipline, would cost more, say $20,000 per annum, put the labor of these at forty cents a day per man, and, counting the working days of the year only, it will yield the sum of $12,520, or a reduction on the cost of keeping the same

number in county jails of $5,730 per annum — a sum that, in twenty-five years, would yield $143,250 — probably an equivalent to the original cost of the buildings. We might, if the cost of maintenance only were to be considered, run a corresponding parallel with any less number; but, in view of the cost of erecting such buildings as would be required, the average minimum could scarcely be placed at less than one hundred.

In regard to the maximum, the number is not so readily determined. Here certain unknown quantities enter into the calculation. Thus it must be regarded as a fundamental principle of government in such an institution, that there should be *one head* in its administration.

If success is to be attained, there must be no division of counsels, no partition of the supreme responsibility. In connection with this well-established principle of all good government, the varied duties and responsibilities of the chief must be considered. Give us, then, in the head, a substratum of sound common sense, a familiar acquaintance with human nature, respectable mental culture, a well-poised temper, moral uprightness and religious purity, together with that indefinable quality known among men as "tact;" and just as these elements of character are combined in a single individual, we may presume to measure his capacity for the duties and responsibilities of such an officer as that of superintendent of a house of discipline. But with all this, we have gained but a single factor to the sum required. The character of the subject, as well as the capacity of the governor, is to be reckoned. His depraved nature, vicious habits, ignorance, insubordination and general recklessness, varying in their nature and degree in each individual case of the many that are to be congregated for care, culture and cure, will suggest that, at least, there should be some limit to the number placed under the care of a single individual. It is no relief to this view of the case to say that subordinate officers may be indefinitely multiplied. The personal observation of the writer, in this direction, is to the effect that the chief executive officers of our prisons often experience more difficulty in procuring subordinates, who are at once competent and will attend to their own business, than they do in securing subordination among the prisoners, so that the proper control of these subordinates adds to, rather than diminishes, the cares of the superior officer, and may, with the utmost propriety, be considered in connection with this subject.

But still other conditions are to be regarded in fixing the maximum number of inmates to be brought under a disciplinary system, with a view to reformation of character, viz., *the time allotted and the facilities afforded for such a work.*

If the present system of short sentences is to prevail and the idea of reform still be entertained, then the maximum must be greatly reduced from what it might be if longer terms were allotted. But we have neither time nor patience for the discussion of such a question. We are proceeding upon the supposition that, with moral as well as with mental and physical maladies, *the time required for cure cannot be predetermined.* It would be just as wise to send a patient with a shattered limb (a compound, comminuted fracture of the leg, if you please) to the hospital for a specified time, and expect him, at the end of that period, to walk home safe and sound, as to attempt to define the limits of time required for the reformation of a character, in which every moral and social fibre has been bruised and torn asunder. If men, untainted by crime, but laboring under innocent and harmless mental delusions, may be taken from their homes, separated from their families and deprived of all civil and social privileges by incarceration in lunatic asylums, and may be held in (to them always more or less hateful) durance until they are recovered of their delusion, it is neither unwise nor unjust that men morally deranged should, in like manner, be restrained of their liberty till cured, whether the time required for that end be longer or shorter.

Facilities for reform cannot now be determined; and yet, that these in their kind and degree must influence the number of prisoners to be brought under one administration is plain. With these suggestions before us, it is easy enough to determine that the maximum of inmates to be brought together under a reformatory discipline should not be large. We suggest as the extreme limit *three hundred and fifty.* In this number we conceive that we strike the average of human capability. Human ambition may reach further, ideas of economy may plead for more; but the interests involved are not such as may be trusted to conceit upon the one hand, or to selfishness upon the other.

II. ORGANIZATION.

It will not be necessary to go into much detail upon this point. The feature whose incorporation into our penal and reformatory

systems it is the object of this paper to urge, is not recommended for one state, but for all the states. It is believed that it may be accommodated, not simply to a certain given system of general administration, but to any and every such system that has breadth, vitality and force enough in it to serve as the basis of an efficient and successful prison management. Minute details would, it is obvious, be inconsistent with the design of such a paper, and might defeat the very object we have in view. The writer will, therefore, confine himself to a very few general suggestions and recommendations.

The prime requisite to the successful organization and management of the class of institutions under consideration, as indeed of all others of a penal and reformatory character, is stability — permanence — of administration. The principal officers, such as superintendent, chaplain, physician, school-master and clerk or bookkeeper, should hold their position during good behavior, and be removable only for cause, on written charges, and after a full and fair hearing. The superintendent, being the head of the institution and responsible at all times for its government, discipline and general condition, should have the sole selection of the agents to carry out his will. The power of appointing and removing his subordinate officers — those who constitute what may be called his police force — should be confided to him alone, subject of course to his general responsibility to the authority, whatever that may be, from whom he himself holds his appointment.

Another essential principle in the organization of these district prisons — or, as we have preferred to name them, houses of discipline — is that of the progressive classification of their inmates on a basis of character and merit, beginning with separation and ending with a stage in which the restraint should be so slight and the social element so marked and prominent, that the condition of the inmates would not differ materially from that of the members of a well-regulated family.

A third principle — which, however, is really involved in the second — would be that of testing the genuineness of the reformatory work, which may have been apparently accomplished in the several inmates. Their probation would, of course, take place in the final stage, where the imprisonment would be little more than moral, and the training more natural than in the previous stages.

A fourth and final principle of organization must be that of

retention till reformation; and, if reasonable evidence of such reformation is not furnished, then, during life — but in another establishment designed for incorrigibles.

III. DISCIPLINE.

On this head there is need of even less enlargement than in regard to that of organization. Under a system like the one proposed and traced in this paper, in which the fate of the prisoner is placed, as it were, in his own hands, it is obvious that the main instruments of discipline will be the alternate enlargement and withdrawal of privileges, earned or forfeited, as the case may be, by the prisoner himself. Hope, in such a system, will be a more effective force than fear. The will of the prisoner will have been gained, and he will co-operate heartily in efforts which he sees are directed to his own good. Reformation being the real as well as the declared aim of the discipline, every measure will be directed to that end; and the officers, animated by the desire and purpose to effect this object, will soon become proficient in the methods and processes adapted to the work in hand. There will be little need of punishment when "organized persuasion" — *not weak indulgence* — has been made to take the place of brute force in the management of prisons, and in the control and training of prisoners.

XIX. Criminal Registers Considered as a Means of Knowing the Antecedents (Criminal Biography) of Persons Charged with Crime or Trespass.*

By M. Bonville de Marsangy, Member of the Legion of Honor and Counselor of the Imperial Court of Paris, France.

I.

It is said that man is a reasonable creature. Yes and no: yes, if we speak of honest people; no, if it is a question of malefactors.

What is the conduct of the honest man? He enjoys certain natural and civil rights, the exercise of which is guaranteed to him by society. As a consequence, he regards it as an obligation of conscience and honor to respect the rights of others; thus practising the divine maxim, "not to do to others what we would not have them do to us." In a state in which all men were reasonable, there would be no necessity for a penal code or for prisons; consequently, none for a penitentiary congress.

On the other hand, what is the conduct of the malefactor? He not only wishes to enjoy the rights, natural and civil, that belong to him, but to enjoy them alone; that is to say, he desires, for the gratification of his personal appetites and passions, to infringe or absorb the rights of his fellows. It is this fact that has given rise to the saying that every malefactor is an *aristocrat*, or, if you please, a *despot* and a *tyrant*. In other words, the malefactor, far from being a reasonable creature, is a person without reason, without conscience, without justice, who revolts against the laws of society, looks only to his own interest, and hesitates not to sacrifice to his selfish gratification the property and safety of his fellow citizens. A state composed of malefactors would be a home of brigands, who would naturally devour one another. Their union, powerless to create a society, would, as by a decree of fate, end in destruction, in annihilation!

Happily, the Deity, who created man to live through ages whose term is known only to Himself, has taken care to give him not only reason, but intelligence, heart, will, the knowledge of right and wrong, and, by that gift, he has fortified him against the sway of

* Translated by Dr. Wines.

his evil instincts. Thence it comes to pass that, in all states more or less civilized, honest men — reasonable creatures — are always found to be in a great majority among the popular masses.

This is the reason why society endures and progresses. This is the reason why, under the eye of God, it continues ever to rise higher and to march onward. It is this honest majority which, desiring to assure to every one liberty and the exercise of his rights, has, in the interest of all, enacted the penal law.

This penal law — what does it say; what does it prescribe? It designates as a crime or a trespass the misdeeds which invade the rights of others, and it inflicts penalties, more or less grave, upon the voluntary authors of these offences. But it does not restrict itself to punishing; it smites, in measure and with discrimination, according to the nature and gravity of the crime, and according to the greater or less degree of malignity in the perpetrator. Indeed, it goes much further; it seeks, in punishment itself, not vengeance, not rigor, not the brutal infliction of suffering, but the amendment and regeneration of the criminal. This, in our state of christian civilization, is the principle and undoubted end of penal law.

Suppose, now, a crime committed and proved. With a view to a just punishment, what must be taken into the account? Three things: 1. The gravity of the wrong done to the injured party. 2. The alarm caused to society. 3. The degree of perversity in the criminal, who has henceforth become a peril to all. It is only by weighing these three elements, that the punishment may be justly and effectively proportioned. Now, the punishment, as I have said elsewhere,* is efficacious only when, on the one hand, it dispels the social alarm by the sufficiency and exemplary character of the suffering inflicted, and when, on the other, it guarantees the public security against a relapse by the regeneration of the criminal. Whence it follows that, in order to its being the true remedy for crime, it must be at once *repressive*, *deterrent* and *reformatory*. Every punishment which fails to produce this triple result is a punishment radically inefficacious and useless.

This principle admitted, it is evident that punishment will be more or less repressive, deterrent and reformatory according to the relative perversity of the person to whom it has to be applied,

* De la Detention Pénale — Réveue Contemporaine, t. 58, 1867. De l'Amélioration de la Loi Criminelle, *passim*.

and that, thenceforth, in order to wisely adjust the nature and quantity of the *penal dose* to be administered, it is, above all, necessary that the judge ascertain and consider the degree of curability of the convicted malefactor. Now, to judge of the moral condition of a criminal, to appreciate his degree of corrigibility, it is not enough to weigh the intrinsic gravity of the infraction. It is necessary to know the character of the delinquent, his habits, his criminal antecedents, just as the physician, before prescribing his remedy, examines the constitution of the patient, his temperament, and the diseases by which he has been previously attacked. The instrument of the moral diagnosis which enables the judge to know the character, habits and antecedents of the convict, is the CRIMINAL REGISTER.

II

What, then, is the criminal register? It is an institution most elementary, most simple, and capable of application to all countries, whatever may be their political system or their administration.

Every human being who comes into the world has its act of birth. This act is, as it were, his *numero d'ordre;* it is the first figure of his inheritance (*son avoir*), to be inserted in the great book of society. If it is true that in well-kept equerries (I beg pardon for the rudeness of the comparison), every young foal is inscribed in a book, with the names of the father and mother, I have the right to suppose that, in every regular state, there must be some sort of register kept by the administration of the commune or district, in which is inscribed the birth of each citizen. I add that there is no civilized state where the criminal tribunals do not inscribe upon a register every judgment pronounced against an offender. In a word, there is no country in the world whose territory is not divided into a certain number of arrondissements, circuits, districts, or counties, in such manner that there may be collected there, in some appointed place, all the sentences annually pronounced by the judges of such arrondissements, circuit, district, or county. It is upon these three facts that the institution of the criminal register is based.

For the rest, its organization is as simple as the thought which gave birth to it. We begin by providing, at the registry of each tribunal, a case, resembling a cupboard or book-case, which is secured by lock and key, in which there is a sufficient number of boxes or movable registers (in wood or pasteboard), each of which

is labeled with a letter of the alphabet. This done, as soon as a sentence is definitively pronounced, the clerk or registrar, after having inscribed it on the books of his tribunal, makes an abbreviated copy of the sentence, according to a prescribed model. This copy is written on a leaf of strong paper, of fixed form and dimensions;* and he dispatches by post the said leaf, containing the sentence, to the clerk or registrar of the tribunal in whose jurisdiction the convict *was born*. This leaf is at once placed in the *movable register*, bearing the initial letter of the family name of the convict.

Every one can easily see, in advance, the effect of this measure At whatever point in the territory of a state the sentence is pronounced, the certificate of the sentence immediately goes, as it were, of its own accord, to centralize and arrange itself alphabetically in the registry of the court, in whose jurisdiction the convict had his birth. Now, let us suppose this practice established in the United States for a number of years. It will happpen that an individual born, we will say, at Philadelphia, and convicted successively at Cincinnati, at Buffalo, at Detroit and other places, commits a crime at New York. The judge at New York, instead of being obliged to seek, at hap-hazard, information concerning the accused from all the tribunals of the United States, will be able, by applying at once to the clerk of the court at Philadelphia, to obtain an exact recapitulation of all the prior sentences which this stranger may have undergone in all the states of America. It thus appears that the register is a sort of glass of Archimedes, with this difference, that instead of burning it enlightens. In effect, concentrating in a single focus (the place of his birth) all the records of convictions applicable to a given person, it furnishes, instantaneously, to the judicial administration of a state, true and authentic information of all the prior sentences of such person, wherever and whenever pronounced.

I need not add, that to obtain, at the first establishment of the registers, all the sentences of preceding years, it is necessary, by a *retrospective* labor, to procure abstracts of the registers of all the tribunals, and to cause to be arranged, in the registry of the court in whose jurisdiction each convict was born, the certificates of the convictions had in those years. In France, this retrospective labor

* To the end that these detached leaves may be readily handled, like cards in a game.

was easily performed, in a few months, for *the twenty preceding years*, at the time of the establishment of the registers, and, thanks to this indispensable measure, the institution was immediately put into working order, and, since then, it has regularly furnished information to the judicial administration of all the repetitions of crime occurring during those twenty antecedent years.*

But it will be said, what is to be done when the convict does not know the place of his birth or dissembles concerning it, or when he was born in a foreign country? These cases have been foreseen; and, that the institution may be equally effective for them, it is enough to establish, in a certain place, at Washington for example, the seat of government of the American Union, as we have done at Paris, as Italy has done at Florence, as Portugal has done at Lisbon, a CENTRAL REGISTER, whither are sent all the certificates relating to foreigners, or natives whose birth-place is not known. This central register furnishes all the information that would naturally be supplied, but is not, by the register of the birth-place (this last being unknown). The central register thus becomes the complement and the supplement of all the local registers.

III.

This organization being once established, agreeably to the retrospective method which I have indicated, one may well be surprised at the number and importance of the results that may be expected to flow from it, in whatever aspect it is viewed.

And, first, as regards *repressive justice.*

A man, charged with crime, is brought before the judge, who is almost always ignorant of his antecedents. But his name is known or easily ascertained. By this very circumstance the exact place of his birth may nearly always be known. To the time of his first offence he has had no motive to conceal the place of his origin; and he has not been able to take a single step in his civil life without revealing it. Now, this simple knowledge of the place of his birth is the guiding thread which will infallibly lead to the dis-

* The certificate which the clerk of the place of conviction sends to the clerk of the court of the place of birth is entitled certificate No 1. That which is sent by the clerk of the place of birth, containing all the sentences standing to the debit of the accused, in reference to whom information is sought, is called certificate No. 2. I forward, with the present paper, specimens of these two certificates, as also a model of the register destined to receive the certificates of conviction or sentence

covery of all the infractions of law which this person may have committed at any time and in any place whatsoever.

A letter or a telegram is addressed to the registry of his birth-place, and, by the return of the courier or the electric response, the magistrate receives either the judicial biography of the delinquent or a blank certificate, showing that, to that time, he has never been convicted of an offence. Without such a document, what will the judge do? He will pronounce, according to his impression, and generally at hap-hazard, some penalty or other; inefficacious, if it is too light; unjust, if it is too severe. On the other hand, the document which enlightens him as to the moral character of the accused enables him to do exact justice; he can, in all good conscience, either acquit the stranger, if he has never transgressed, or pronounce the just punishment which should overtake and reform the criminal. I do not fear to repeat, that the light furnished by the register is like a feeble ray of the divine omniscience, which, according to the circumstances, permits the employment of mercy or of rigor; since, for the darkness of a justice without rule or compass, it substitutes the splendor of a justice according to truth.

Such is the efficiency of this institution in the repression of crime! Under it, accused persons would no longer be able to withdraw themselves from the researches of the judicial administration, nor conceal from it their antecedents. Under it, it would no longer be possible for persons arrested a second time to escape, through cover of a false name, the just severities of the penal code. Under it, the judicial police, extending its invisible but inevitable hand over all the territories of a state, would be able, everywhere and with almost absolute certainty, to seize and arrest the violator of law. Under it, in short, human justice, even, would be able to treat each transgressor *according to his works*, and to increase or diminish the rigor of his punishments, not only according to the gravity of the offence committed, but also according to the spirit of revolt or obedience previously shown by him toward the laws of his country.

IV.

This single result would, of itself, be sufficient to justify the praises which the most eminent criminalists have been pleased to accord to the institution of the registers. But this institution is no less useful as regards *preventive justice* and *the promotion of*

social morality; for, when once established and made universal, it must powerfully tend to keep far away from crime those who have still some sentiment of honor, and even to restrain, by way of intimidation, those whom severity of punishment alone can hold in the path of obedience to the laws.

May I be permitted to explain this twofold influence in the terms employed by me in a memoir published in 1849? "If we inquire," I said in that essay, "into the various influences that hold man to habits of honesty and obedience to law, we find, among the most prominent, the shield and watch of the family, an affectionate respect for the name of parents, and a desire for the public esteem. Our system gives to these salutary influences all their purifying and elevating force. In the first place, since kindred creates, among members of the same family, bonds of affection, of watchfulness, of mutual relationships, it results that each household is charged with exercising over its members the alternate shield of kindness and severity, whose invisible action powerfully contributes to the prevention of a breach of the laws. It is not till after having accomplished this double task, that families may justly pride themselves on the honorable citizens to whom they have given birth, and mourn without shame the crimes of their children, who have proved deaf to the admonitions of parental authority.

"But besides this tutelary and comminatory agency, there is in the very surroundings of the family, in the necessary relations of kindred, in hereditary memories, in that life which flows in the bosom of one's native village, near the friends of his childhood, and in the presence of the local magistrates, a certain mysterious power, which holds us, in spite of ourselves, in the path of duty and of virtue. And experience shows that men never behave better than under the protecting eye of their family and their fellow-citizens. It is precisely because there is, in this domestic and social surveillance, an undeniable power of restraint, that vicious young people make haste to leave the place of their birth, that they may be *more free*, and so may withdraw their misconduct and their vices from the otherwise inevitable curb of this local constraint.

"On the other hand, is it not, unhappily, with a view to escape these pious obligations of parental watchfulness, that so many families are eager to send away their vicious children (*mauvais*

sujets), so as not to be any longer obliged to dread either the scandal or the moral responsibility of their misdeeds? Do they not even consent to hide grave offences, on condition that the offender, to use a common expression, *take himself off:* that is to say, that he go far away from the place that saw his birth; far away from the family whom he might dishonor? Now these migrations, so favorable to the development of evil instincts, would fail, in part, of their aim, if thenceforth it became notorious to all, that every crime committed by these vicious children, voluntary or forced deserters from the domestic hearth, would certainly be known in the home of their childhood, and that every sentence imposed upon them, were it even at the other extremity of France, instead of remaining hidden in the archives of the government, would be engraved in characters of infamy on the registry of their native village, to disturb the repose of those who had not feared thus to abdicate their holiest duties — the duties of a sheltering and watchful guardianship over their offspring. Either I am mistaken, or this grave apprehension, which touches directly the interest and honor of families, would give to their solicitude that controlling influence, which it might and ought to exert toward the prevention of crime.

"But I go further and say, that criminals themselves would be restrained by the dread of this local publicity of their misdeeds. Take a man whose depraved habits have pushed him blindly on to the declivity of crime; speak to him of his father, his mother, his children, whom he has forsaken; tell him that he is going to dishonor them; say to him that the sentence which awaits him will be published in the place where they live; on the spot where the memories of his family cluster, and where repose the ashes of his ancestors; believe me, if this man has not reached the extreme limit of degradation, which amounts to a moral death, he will hesitate; he will pause; he will soon re-enter the straight and easy path of obedience to the laws.

"This is not a generous illusion; it is a fact of experience. It has been remarked that one of the last honest scruples that survive in the soul of malefactors is the fear of dishonoring their family. This sentiment is so vivid, so indestructible in the heart of man, that we have often seen it re-assert its power in presence of the scaffold, and prevail over the natural fear of that punishment. Interrogate, in this regard, the chaplains of our pris-

ons, those pious attendants who, by their prayers, conduct ever to the tribunal of God those great criminals who have been smitten by human justice; all of them will tell you that not a few of these malefactors think less of their own fate than of the terrible grief that will be carried to their families by the publication of their crime and their punishment. 'I die content,' says a convict 'because, since my true name is unknown, my family will not be dishonored.' 'I ask but one favor,' said another, 'that my crime and my ignominious death may be concealed from my aged mother.' Another exclaimed, 'O, my father! O, my mother! O my children! what a dishonor to you! A thousand deaths for myself, if that were possible; but, in pity to you, let me not die upon the scaffold at your gate!' Such is the supreme cry which in face of eternity, escapes from the heart of convicts!

"Now, if we find in men who have reached the last limits of crime, these touching returns of family affection and respect, is it not evident that, among the vulgar crowd of lesser criminals, the greater part of whom completed their ruin far away from the place of their origin, many would be arrested in their disorderly lives if they had, unceasingly, before their eyes this terrifying certainty that, in the future, each offence committed by them would be recorded in the place of their *birth*, and would there forever stain the name and honor of their family?

"But apart from the foregoing conclusions, the localization of judicial information would have this further advantage, that it would enlist in the cause of social morality one of the most intense passions of our nature — the desire of general esteem. In all times the public esteem has been one of the most precious goods of man and if ever this good should acquire its *maximum* of real value, it is surely under the empire of popular sovereignty, under the reign of universal suffrage, because it then becomes the source of all influence, of all advancement, of all power. It is for this reason that we all, good or bad, honest or depraved, so earnestly seek the public esteem; with this single difference, that the former desire to gain it by labor and virtue, the latter by force of cunning and hypocrisy.

If now we desire the reign of honor and probity, it is necessary that we exact of every citizen, who aspires to the public regard not only a certificate of citizenship, but also a certificate of honor and therefore it is necessary that, by the aid of some speedy an

certain process, we be able when the occasion arises, to verify by a single glance of the eye *the past life* of each citizen; since in this verification lies the sole effective guaranty of his moral character.

But other advantages besides those named above will flow, as from an inexhaustible fountain, from this invaluable institution of the registers.

In all democratic states the title of citizen implies the full enjoyment of all civil rights, and, *per contra*, the discharge of all the duties which the law imposes. No one, therefore, should be allowed to vote in the election of the magistrates of the country, nor to serve as a juror, nor to form part of the land or naval forces, nor to be promoted to any public trust, if, by a criminal conviction, he has incurred civil disgrace. In every civilized state this is an indispensable condition of force, of greatness, of prosperity. But the new system offers a certain means of knowing all the individuals who, by their previous convictions, no matter when, no matter where, have incurred the suspension or the loss of their political rights.

This system contributes equally to the promotion of social order, by providing a sure means, particularly in a vast country like the United States, of preventing a criminal from being able, to the scandal and injury of society, to usurp the rights of an honorable man; a condition absolutely essential to the success of a liberal government, whose most enduring foundation is virtue, whose chief safeguard is the perfect honor of all public functionaries.

Moreover, the register is of the highest utility in the compilation of the criminal statistics, which serve to show the true state of criminality, whether in each nation separately, or in a comparison with other countries; since, without the information furnished by it, it is impossible to adjust, with entire certainty, the balance-sheet of relapses and reconvictions.

Finally, besides the security which it guaranties to the relations of citizens among themselves, the register, in this age of perpetual locomotion, becomes a valuable agent of international security. Suppose it established throughout the civilized world, as it already has been in France, in Portugal and in Italy, all nations would thenceforth, as regards criminal repression, form but one great human confederation, in this sense, that, by a mutual exchange of

certificates, each country would be able at once to know the conv tions which those born upon its soil had incurred in foreign stat

Already, through the beneficent action of extradition treaties, wholly modern invention, criminals have lost the hope of going enjoy in peace, in foreign parts, the fruit of the crimes committ by them in their own country. By means of the criminal regi ter, they will no longer be able, when again arraigned before tl tribunals of their native country, to conceal the convictions th had incurred in far distant lands, whither they had gone to seek refuge.

Nor even yet has all been said. The register, when once adopt by all nations, and placed within reach of all those who have a interest in knowing the previous life of the persons with who they come in contact, in public or private relations, becomes, to tl advantage of the public treasury, a source of revenue (*recette bu getaire*), by the moderate payment imposed on the delivery of ea certificate of information asked for.* I have said, and I persist saying, that in France, for example, if the extract from the regi ter were rigorously exacted, in all cases where it is necessary, tl state might thus receive, without any appreciable cost, almost tl entire expense imposed upon it by the prosecution of crimina This last result assuredly deserves to be noted; for I affirm tha apart from the tax on passports, now almost everywhere abolishe I do not know, in any country, a measure of *security* which, besi being useful in the numerous and various ways just enumerate might further produce, as an indirect and supplementary cons quence, an income of many millions to the profit of the treasu of the state.

CONCLUSION.

I have thus explained, as clearly as I could, wherein consists t institution of the French criminal registers; and I have show that it is applicable to all civilized countries, even to those whic like America, form a vast confederation of different states, boun together by a pact of federal union. I have pointed out th numerous advantages which it secures as regards repressive ju tice; the prevention of crime; the improvement of the morals c society; the dignity of the army; the honor of the public ser

* The cost of certificate No. 2, delivered to the local administration or to ci zens, is two francs sixty-five centimes.

ice; the purity of the elective franchise; the protection of the citizens; and, in fine, international security.

But, waiving all these valuable results, and confining myself to the aim indicated by the committee, I say: if it is true that due punishment cannot be meted out to a criminal without a knowledge of his moral character; if it is true that, without this concession, we cannot equitably and effectively proportion the penalty to the offence committed; if, in short, it is true that the knowledge of the character and antecedents of a convict is essential in order to effect, during his imprisonment, his moral reformation, I believe that I may conclude with certainty that the institution known under the name of the "criminal registers" is, henceforth, the fundamental and absolute basis of all radical improvement to be effected in the criminal law.

PARIS, *August* 3, 1870.

XX. On the Duty of Society to Indemnify the Citizen who has been Unjustly Imprisoned.*

By M. A. Corne, advocate in the Imperial Court of Douai, France.

Modern society secures to each of its members certain rights, known under the several titles of civil, political and religious rights.

Under those expressions there is, absolutely, but one right, which is applied to different objects — the right of each individual to act in accordance with the natural laws which govern the development of humanity.

The positive laws which guaranty the rights of the citizen do but reflect or transcribe the natural laws already discovered; or they presume, hypothetically, those which are still to be discovered.

The right of acting, that is to say, of exercising our faculties in our relations with things and with our fellow men, has for its sole basis the free disposal of ourselves; in other words, *personal liberty.*

Imagine a man torn from his field, his office, his family, his fellow citizens, and shut up in prison. The person so imprisoned, whatever may be his fortune, whatever the affection of which he is the object — a husband and a father — and whatever his influence in public affairs, he is, during the whole time of his confinement, the same as the poorest, the most desolate, and the least respected of men. Even the sentiment which must be regarded as the most profound in the human bosom, I mean the religious sentiment, must, in such a situation, be restrained and, as it were, obliterated; since even for prayer men feel the need of association, of grouping themselves according to their spiritual affinities. It would, therefore, seeem natural that the first care of the citizens in every state would be to assure their personal liberty in such manner that it could not be outraged. But this is far from being the case. On the contrary, always and everywhere, the accessory and derived rights have been secured in preference to the chief right.

Great and noble efforts, it is true, have been unceasingly made to this end — *the respect of the human person.* Slavery, serfdom and imprisonment for debt have, little by little, disappeared from the institutions of civilized nations, and the first guaranty claimed by those who are born to liberty is, that no citizen shall be arbitrarily arrested and imprisoned.

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* Written in English by the author.

But it is easy to prove that this claim is never asserted till long after the rights of property and family have been recognzied. It is only then that man has sufficient reasons to vindicate his right to liberty. As long as the table is without food, it is of little consequence to the guest that he is made to leave it; but when it is loaded with viands, it is insupportable to him to be violently torn from the banquet.

Thus property and family were, long ago, consecrated in England, when the great charter of 1229, and the celebrated act of the *habeas corpus* in 1627, decreed that no citizen could be imprisoned except according to law, and that no English subject could be submitted to the jurisdiction of a court-martial.

Thus also, in France, it was only when the whole nation had reached a high degree of prosperity, that the opposition to monarchical tyranny acquired a menacing strength, and that the people called for the abolition of the *lettres de cachet*, which permitted the king to imprison, according to his caprice, any citizen whatever.

The constitution of the third of September, 1791, is the basis of personal liberty in our country. "Nobody (it declares) can be arrested and detained except in the cases and according to the forms determined by the law." But what is this law? What guarantees does it give us? Does it assure the same protection to our liberty as to our goods? The slightest examination of our codes will show that it lacks much of this.

Let us see how our property is secured against the different kinds of dispossession to which it may be subject from considerations of public utility. The state may want a part or the whole of my land for some great work, whose execution holds out some general advantage. Yet it can only take possession after numerous and solemn formalities. First, it is necessary that a public administrative inquiry ascertain that the work is of real public utility, and that this utility be afterward recognized by a law, or by a governmental decree in cases of less import. A second inquiry takes place to determine the position and extent of the land taken. All the proprietors can there be heard, and contend for the retention of their land. Only after this inquiry does the administrative authority determine the amounts which must be ceded. Nor is this all. The judicial authority must intervene to ascertain that all the required formalities have been exactly ful-

filled. The judicial authority can alone decree the dispossession. Even this does not end the business. A jury is chosen among the landlords of the district (*arrondissement*), in which the dispossession has been decreed. It is this jury which fixes the amount of the indemnity to be paid for every parcel taken, and the prescribed indemnities must be paid to the owners before the state can take possession of the land.

Even in cases of extreme urgency, when the military authority must take possession of property necessary to the erection of fortifications, the peril of the country is not held to warrant a sacrifice of the rights of justice. An imperial decree must authorize the works, and must declare the public necessity and the urgency of the case. This decree must be brought before the tribunal of the district and the mayor of the commune; a judge must go with a surveyor, officially appointed, to the property to be taken; every interested party must be summoned to this transfer, and must have opportunity given him for explanations.

After these debates, *pro* and *con*, the tribunal definitely fixes the indemnity of removal, and, provisorily, an approximative and provisional indemnity for dispossession. Then the administration can take possession of the ground, but only on condition of first paying the indemnity for removing and of depositing the provisional indemnity, which shall have been definitively determined by the jury.

In France, therefore, a landlord cannot be deprived of the least part of his ground, even in cases when the public security is intimately involved, until certain solemn inquests, in which all parties may be heard, take place, in order to prove that this violation of the right of property was necessary; until all the public powers have been summoned to witness and to give their sanction; and until citizens, chosen from among their countrymen, are assembled, as a jury, to decide on the indemnity to be made to the citizen deprived of his property for the general interest.

What minute precautions, what strict formalities, in such circumstances! It would be easy to accumulate examples, and to show with what solemnity the state surrounds whatever may invade and outrage the rights of family, even remotely, whenever it is a question of filiation, of adoption, or of divorce (*separation de corps*). Yet let an assault be made, not upon a simple attribute of the civil person, but upon the person itself, and all these guaranties instantly

disappear. Personal liberty is at the mercy of a single man, the examining magistrate (*juge d'instruction*), who, without public inquiry, without control, can, by warrants of arrest and detention, suppress it for an indefinite time. The examining magistrate has an absolute power of arresting and imprisoning, whenever he thinks he has the proof that a crime or a misdemeanor has taken place, any person against whom it seems to him that there is the least indication of guilt. Only in certain exceptional circumstances is there any recourse against such an arbitrary exercise of power.

A ministerial circular, which has become celebrated, denounced, as early as 1819, the effects of such a power. "Numerous complaints (the minister therein said) have indicated, in these later times, sundry abuses in criminal proceedings; these complaints may be exaggerated. Nevertheless, it appears that some are but too well founded." The minister was speaking against the too great facility with which arrests were ordered, and against unreasonable delays in the examination. He reminded the magistrates that the law obliges them to examine, within the first twenty-four hours, every arrested person. He recommended them to use, with an extreme reserve, the power given to them of sequestering every prisoner, in order to prevent him from communicating either with his fellow prisoners or with his parents and friends outside. He described such a measure as being generally contrary "*to the good administration of justice and to the rights of humanity.*"

Such abuses, the necessary consequence of arbitrary power and of the want of responsibility and publicity, have been continued to the present time.

Two laws, one of the 20th of May, 1863, the other of the 14th of July, 1865,* sought in vain to apply a remedy to the length and the severity of detentions under arrest. The very great defect of all these regulations is, that they only permit the magistrates to show more indulgence, instead of restraining their power of severity. Of what avail is such permission, if the magistrates

* The first orders that any person arrested in the very act, for an offence punishable by fine or imprisonment, may be immediately arraigned at the bar. The second permits the examining magistrate, in every case, to liberate the prisoner provisionally. It prescribes such liberation in a few cases. It orders certain formalties intended to restrict the power of preventing communications. I have seen, in 1869, an order, emanating from an examining magistrate, who prescribed, in general terms, that communication be interdicted to every person imprisoned by his warrants.

have a natural inclination to be severe? "It must be said, with a frankness which can hurt nobody," wrote the reporter of the law of 1865, "the magistrature, yielding to respectable scruples, to inveterated traditions, considers as an evil every thing which favors liberty and which takes away from preliminary imprisonment its character of absolute right."

What happens? The law itself is not respected, and the formalities, almost illusive, which protect the liberty of the citizens are a dead letter; every arrested person should be examined within the first twenty-four hours in order that he may prove his innocence; but this examination is generally a mockery. It is limited to the verification of the identity of the accused. The examining magistrate (*juge d'instruction*), according to the law of 1865, can forbid communications only in conformity to prescribed modes for a fixed time and by distinct writs for each prisoner. The rules are also evaded and set at nought.

It is, therefore, a positive fact that while the rights of property are surrounded with the most minute guarantees, while they cannot be touched without moving all the public powers, the rights, much more important, of personal liberty lie at the mercy of a single man, when preliminary imprisonment is in question. Public attention cannot be too earnestly directed to this question, which requires reforms of the most profound character. I ask for only one at the present time; but that is, in my opinion, the most urgent, the most equitable, and the easiest to realize.

Society must give up this exorbitant right, which it has arrogated to itself in matters of criminal examination — the right, namely, of inflicting the gravest privations without indemnity; for no indemnity is made, even when these privations have been unjustly inflicted. "Do people understand exactly what preliminary imprisonment is?" wrote the reporter of the law of the 14th of July, 1865, the honorable Mr. Mathieu. "A man is accused; some appearances are against him; and, though the presumption of innocence protects him, he is arrested; he is torn away from his home, from his family, from his affairs; disorder and trouble are introduced into all his relations; a deadly blow is given to his credit, and he is exposed to a ruin which he might ward off if he was at liberty, but which his imprisonment renders unavoidable! Not only has this man suffered all the pains which we have just described; not only has he seen, without being able to remedy, dis-

order and ruin invade his affairs, but it is in vain that an order of the judge, or even a decision of the tribunal, annuls his imprisonment and breaks his chains; the preliminary detention has marked him with an indelible stigma; the suspicion, in virtue of which justice has laid her hand upon him, follows him like his shadow; and his reputation will not be cured of the deadly wound which it has received. Yet it is not the prisoner who is most to be pitied. How can we fail to turn our eyes toward his wife, his children, his family, though innocent, yet smitten with the same blow, ruined and disgraced like himself, without a fault that can be laid to their charge? Is this justice? Can society so crush the individual in the name of the general interest?"

It would seem that after this eloquent denunciation of a flagrant social wrong, the legislator has but one step to take, viz.: to proclaim the principle of indemnity. Nevertheless, he recoils before this consequence, natural as it is, on the ground that it would have but an appearance of justice, and that it would destroy the very nature of preliminary imprisonment. He alleges that the application of the principle would be perilous and impossible.

The citations already made are, in themselves, a sufficient answer to the allegation, that in the principle of indemnity there would be but the semblance of justice. The following fact, which we also take from the report of Mr. Mathieu, will show to a demonstration that, in reality, we invoke here only the principles of common sense and the most rigid justice.

"In 1859 two men were accused of swindling, before the tribunal of Seine, and, for twenty-two months, they were detained awaiting trial. The tribunal convicted and sentenced them to five years of imprisonment, thus increasing, by nearly two years, the *maximum* of the punishment, when, unless we are mistaken, justice and a respect for the law required that this maximum should have been diminished by the entire duration of the preliminary imprisonment; and, what is most sad is, that these convicts were innocent, as appears from the fact that the court of Paris restored them to liberty, by reversing the judgment by which they had been sentenced."

No doubt this is a fact of an exceptional gravity; but facts of the same kind, though less serious, are annually counted by thousands. Thus, in 1867, of 73,536 persons arrested, 6,852 were dis-

charged without trial by order of the proper authorities;* 1,060 persons who had been indicted were acquitted by the court of assizes; and 2,280 prisoners were acquitted by correctional tribunals, that is, the trial of misdemeanants.†

There are, then, 10,192 persons who, in a single year, have suffered an unjust arrest, who were deprived of their liberty, taken away from their business, whose families, perhaps, in their absence were in want of bread; who were injured by an infamous suspicion; who experienced the most poignant anguish; who were dispossessed, for days and months, not merely of a piece of ground or a house, but of their honor, of the happiness of home — a blessing the most precious of all, of which the loss, even for an instant of their existence, cannot be repaired. They were dispossessed of all these things on the plea of the public interest, and society refuses to grant any compensation!

It cannot be said that the fact is too rare to demand attention; it cannot be alleged that it is not of a sufficient gravity; but it is objected that the damage is such that it cannot be estimated; that the elements of indemnity are incapable of analysis and valuation. These reasons are scarcely less than pitiful.

How long can a debtor refuse to pay the less, under the pretext that he owes the more? We do not ask that society grant an indemnity exactly proportioned to the injury. We ask only that it recognize a principle here, which is applied every day in analogous cases.

When a witness is summoned before a court, when a jurymar is called to the assizes, he may be a man of wealth or of learning, to whom each day produces hundreds of *francs*, or he may be an humble, worthy man, who gains his bread by the sweat of his brow; yet both receive the same compensation for the time which they spend, and for the trouble which they suffer. But the small piece of money distributed to them has a high significance of justice. On the one hand it is a token of the citizen's independence as regards

* 6,178 of the prisoners had been imprisoned less than one month, and the remainder for periods varying from two to six months and even more.

† 233 of the indicted had been imprisoned for a period of less than one month; 231 from one to two months; 268 from two to three months; 166 from three to four months; 72 from four to five months; 82 from five to six months; 58 more than six months. 448 of the prisoners tried for misdemeanors had been imprisoned less than three days; 745 from three to eight days; 461 from eight to sixteen days; 412 from sixteen days to one month; 214 more than one month.

the state, and of the law's respect for private rights; on the other, it prevents the poor man from complaining of the public power. If this power imposes on him some inconvenient obligations, at least it assures his bread and that of his family.

Thus reduced, is the sacrifice asked of society such that it cannot be borne? Figures the most exact instantly give the answer. The maximum of the periods of time for which the duration of preliminary imprisonment is indicated, amounts to a total of 253,016 days. On the supposition that, for every day of preliminary imprisonment, an indemnity of two or three francs (sufficient, in most cases, to provide for the most urgent wants of the prisoner's family) is granted, five to seven hundred thousand francs will suffice, in France, to rectify, to a great extent, a grave social iniquity.

What class of persons, in effect, are most frequently smitten by preliminary detention? They are the lowly and the humble; those who, engaged in some manual employment, without any fortune, live from day to day by their work. When they return from the prison to their home, after having been pronounced innocent, they find their wife and their children in profound misery; the furniture is sold; they have numerous little debts, and their place has been taken at the workshop. Discouragement and dismay seize upon them under the dreadful misfortune by which they are crushed. They curse the laws; they lose all respect for justice; and in their despair they may be ready for all the criminal acts which have been falsely charged against them. On the other hand, give them a little money, not under the title of alms, but under that of reparation, and they will take courage again; they will not look upon society as an enemy who abuses its power to overwhelm them; and the material injury which they have suffered will be speedily repaired.

For reasons stated at the commencement of this paper, in proportion as rights are multiplied to the citizen, their personal worth increases, and, as a consequence, they watch with a more zealous care that the person — a property enjoyed by the poorest and the least fortunate — may suffer neither outrage nor injury. No reform could be effected at a less expense, none could be more democratic, none more fruitful of happy consequences to the masses, than that which is here proposed. Man is still far from being valued at his just price. The resources which he is capable of developing are far from having yet attained their maximum of force. Henceforth, without the danger of being considered a

utopian, we may demand for him a little of that respect, with which material property is surrounded. It is in this view that we claim that no prisoner, judicially recognized as innocent, shall be restored to his liberty without indemnity for the injury which he has suffered, as a consequence of his unjust imprisonment.

I. An International Congress on Penitentiary and Reformatory Discipline.

E. C. Wines, D.D., Corresponding Secretary of the Prison Association of New York.

What I have to offer on this subject will be distributed under following heads: History of the movement; policy of such a gress; the persons of whom it should be composed; the ques- s to be considered by it; the preparation required to assure success; and the place and time for holding it.

I. HISTORY OF THE MOVEMENT.

n its twenty-fourth annual report, the prison association of w York published a paper on the prison question in Russia, Count W. Sollohub, director-in-chief of the house of correc- and industry, at Moscow, Russia. The closing paragraph of count's essay was in these words: "Is not the auspicious iative of the prison association of New York the harbinger an International Congress of prison discipline? Might not a congress determine the immutable bases of every peniten- y system, giving at the same time due consideration to the ographical and ethnographical exigencies of each country? h, it would seem, is the demand of the age; and this brief tch closes with the proposition, submitted to all who are inter- d in the future of prisons, to convoke an international reunion specialists and jurisconsults who, under the patronage of their ective governments, should be charged with the duty of giving enitentiary science its definitive principles."

This suggestion struck me as wise and timely. Accordingly, in month of May, 1869, I submitted to the prison association a er on the subject, in the form of a preamble and resolutions. er reciting that prison discipline is a vital interest of society one of the gravest of social problems, that it has awakened a e interest and been earnestly studied within the present century, t experiments of great value have been recently made in dif- nt countries, and that it seems highly desirable that opportunity uld be had for conference and a general comparison of views, paper stated the opinion that the time had come when an

international congress on penitentiary and reformatory discipline might be successfully inaugurated, and held with the best results.

This proposition, and another subsequently submitted in favor of a national as preliminary to the proposed international congress, were held under consideration, and variously discussed, till the stated meeting in November of the same year, when a resolution was passed, to the effect that the association judged it inexpedient to take the initiative in either of the proposed conventions.

This put an end to both conferences, so far as any action of the prison association could have that effect. But I was so profoundly impressed with the importance of these meetings, and so strongly fortified in that impression by the concurrent judgment of scores of the ablest and wisest friends of prison reform on both sides of the Atlantic, that, after consulting with a few gentlemen in Boston and New York, I prepared the following draft of a call for a national congress: "The undersigned, deeming prison discipline a vital interest of society, as well as one of the gravest of social problems, and, on both these grounds, worthy of the closest study and freest discussion, cordially unite in calling a national congress for conference on criminal punishment and reformatory treatment, to be held in the autumn of 1870, in the city of Cincinnati, the board of directors of the Cincinnati house of refuge having signified that such a conference would be welcomed in that city. [Here follows the nomination of fifteen gentlemen to act as a committee of arrangements.] We recommend that the committee of arrangements and the conference give consideration to the question of an international congress on penitentiary and reformatory discipline."

This call received ninety-one signatures, classified as follows: Twenty-five wardens of prisons, seventeen superintendents of juvenile reformatories, twenty-two members of prison and reformatory boards, eight members of boards of state charities, four chaplains of prisons and reformatories, and fifteen general philanthropists.

The committee of arrangements met in New York, and organized on the 9th of February, 1870. At this meeting Cincinnati was definitely fixed upon as the place, and the 20th of September (since changed to the 12th of October) as the time for holding the congress; a general list of topics for discussion was agreed upon; the classes of persons to be invited were designated; a sub-com-

mittee of five was appointed to act in place of the general committee; and last, though not least, a resolution was unanimously adopted to the effect that this "committee approve the suggestion of an international congress on penitentiary and reformatory discipline, and recommend that the national congress take such action as it may deem suitable on this subject."

The sub-committee held several meetings to arrange, and have conducted a laborious and extended correspondence in arranging, the programme of proceedings, and in drawing up a declaration or platform of principles to be submitted to the congress for its consideration and action. The result is the meeting now in progress in this city—so able, so enlightened, so earnest, and, as regards the cause to which its labors are consecrated, so full of promise to the country and the world.

II. SHALL AN INTERNATIONAL CONGRESS OF THE KIND SUGGESTED BE HELD?

If the judgment of persons qualified by their position, talents and experience to speak with authority on the question of an international congress on penitentiary and reformatory discipline is allowed its due weight, the expediency of such a congress must be looked upon as beyond all doubt. To letters written with a view to elicit the opinion of gentlemen on this question, I received answers from 124 correspondents, viz: Eighty-seven from the United States, including twenty-six from governors of states; twenty-four from England and Ireland; eleven from the continent of Europe; and two from the Dominion of Canada. Only one of the above replies was adverse; one was non-committal; the remaining 122 were favorable, most of them strongly so. Among the persons abroad who have expressed themselves strongly in favor of the congress, are Florence Nightingale, Miss Mary Carpenter, Miss Florence Hill, Sir Walter Crofton, Sir John Bowring, Mr. Commissioner M. D. Hill and Wm. Tallack, of England; MM. de Marsangy and Corne, of France; Baron Von Holtzendorff, of Prussia; Signor Scalia, of Italy; Count Sollohub, of Russia; and Inspector Bruün, of Denmark. Among our own countrymen, who have been equally pronounced in their approval, may be named Senator Sumner; Ex-Governors Seymour and Haines: Governors Claflin, Baker, Hayes, Baldwin, Padelford and others; Wardens Pilsbury, Haynes, Brockway, Cordier and Rice; Mr.

Sanborn, Dr. Howe, Dr. Samuel Eliot, and many others no less distinguished.

I offer a few (and regret that time will allow only a few) extracts from the hundred and more letters received. Ex-Governor Haines, of New Jersey, says: "I am very favorably impressed with the project, and believe the result would be highly beneficial. A full and free discussion of the subject of prison discipline would lead to harmony among those who now hold discordant views, and a modification of their systems, and to the introduction, perhaps, of measures better than any now in practice. The greater good, I think, would be in educating the public mind. There is now great want of information on this subject among the masses of our citizens. Many have zeal without knowledge, generous impulses without proper aim, a desire to promote the public weal without an acquaintance with the means of doing so. Such need light. Perception in the physical, discussion in the moral, world gives light. The deliberations of the penal agents of the world would unquestionably be of very great value and lead to material reforms in the treatment of delinquents."

Florence Nightingale says: "I need scarcely tell you how warmly I feel interested in the perfect success of your project for an international congress on prison discipline. I entirely concur in the necessity for such a congress."

Miss Mary Carpenter says: "I am truly rejoiced to hear of the proposed congress. For some time I have felt that the period has arrived when those who had studied, both practically and theoretically, the important principles involved in the treatment of criminals, both old and young, by the state and by society, should form a sort of world-league to carry them out; and I have mentioned the matter to some of those who have earnestly embraced the views we deem so important. The circular I have just received fully answers all requirements, and I am most happy that you have already met with so much sympathy."

Sir Walter Crofton says: "I have but a moment to save the post, and can only state that I think an international congress, in accordance with your programme, would be of very great value."

Sir John Bowring thus expresses his view: "The suggestion of an international congress appears to me admirable — worthy of all acceptance and co-operation. The field is vast, and the discussions should be exhaustive.

"If an official character could be given to the inquiries, and we had the representatives of governments among us, so much the better. In truth, the more one thinks of the possible and probable good which may result from the conference, the greater is the desire to make it successful. I can only offer my best services, and re-assure you of the pleasure I have received from your communication."

M. Corne, of France, says: "I am sure that the idea of this congress will find warm partisans in Europe. For my part, I see with entire satisfaction the initiative taken by America in this matter. I think that great benefit will result from the international reunion which you propose. The spirit of system, special and exclusive ideas, will not be able to stand the clear light of discussion. The general phenomena of criminality, better understood, will permit us to seek, scientifically, the remedies for this grave social malady."

M. Bonneville de Marsangy remarks: "I applaud, with all my heart, your idea of an international congress, and in that view I approve, without reserve, the excellent terms of your circular."

Mr. Fr. Bruün, inspector of prisons in Denmark, says: "It is my decided conviction that the disagreement still existing in Europe in regard to the best prison system can be brought to an end only through free discussion, by men from different countries, and a mutual comparison of their views on the subject. For this reason I strongly favor the proposed congress, especially because the resolutions that may be taken by it will unquestionably have great weight with the governments of countries in which reforms are in contemplation; and, also, because they will give an impulse to improvements which a single individual, from lack of authority, would not be able to effect. The discussions on these questions at the international congresses of Brussels and Frankfort were, I think, comparatively fruitless, from the fact that up to that time little experience in prison discipline had been gained in Europe. At the present time the prospect is better, as experiments have been everywhere inaugurated."

Baron de Letrenhorn, member of the chamber of representatives and of the royal academy of Belgium: "Your circular letter having been placed in my hands by our government, with a request that I would answer it, I am glad to express my full approval, and the high interest which I take in prison discipline.

The deliberations of men skilled in penitentiary studies will be of unquestionable utility."

Mr. Lurman, chairman of the judiciary committee of the senate of Bremen: "I am directed by the senate to say, that it takes the warmest interest in your proposition."

Baron Von Holtzendorff, professor of law in the university of Berlin: "The plan to convene a general international meeting for the purpose of discussing the prison question, is excellent. There is a large amount of accumulated experience, gained in different countries, which ought to be exchanged by the most prominent advocates of the prison cause."

Hon. Senator Charles Sumner: "I took much interest in the earlier congresses on prison discipline, and am glad that you are moving again in the same direction. An interchange of opinion and experience on the treatment of prisoners would be of great value."

Gen. Amos Pilsbury: "I heartily approve the project of an international congress on prison discipline, and am convinced that, if properly conducted, it must be productive of great good. The only suggestion I have to make is, that while a sprinkling of *theorists* may be very useful in animating the discussions of the proposed congress, care should be taken to secure the presence and active co-operation of as many intelligent gentlemen as possible, who have had *practical experience* in the discipline of prisoners and the management of prisons. Governments and peoples, all over the world, need to be awakened to a more lively interest in matters so vitally important to the welfare of society. The subject is intimately connected with the protection of life and property, social order and social happiness, philanthropy and civilization, everywhere; and yet how few, even of professed statesmen, have given it the least degree of earnest consideration."

Hon. Gideon Haynes: "An international congress on prison discipline is just what is required at the present time. We have, in the reports of the various institutions and associations of Europe and America that have investigated this subject, information, statistics, facts and suggestions never before collected, which, if they were brought together and discussed by competent men, would certainly result in an improved order of prison discipline throughout the world."

Mr. Sanborn: "The sooner the proposed congress is held the better, for the movement in prison reform in our country is going

on rapidly, and needs to be guided and enlightened by such deliberations as would be had at such a gathering."

Dr. Howe: "Peculiar and pressing considerations call for personal conference and joint action of the friends of prison reform at this time. By all means, let us come together."

If authority can settle any question, such opinions from such sources, by the score and the hundred, must be regarded as decisive in favor of the policy of calling together the friends and workers in this cause throughout the world, to grasp hands with each other, to bring their divers experiences into a common stock, to catch fresh inspiration from the glow of a sympathetic affection, and to hold calm and earnest conference on questions which still await a final and complete solution. If the men and women from whom I have quoted, and others from whom I have forborne citation only for lack of time, are not competent to speak authoritatively on this question, there surely are none now living who possess the requisite qualification for such a purpose.

The chief benefits to be expected from the proposed international congress would be, I think, the following:

1. It would be the means of collecting more comprehensive, detailed and trustworthy information on the present state of penitentiary and reformatory discipline throughout the civilized world than has ever, heretofore, been gathered and presented in one body. Every nation and state represented in the congress would doubtless submit a report on its own prison system, showing how it is organized, and setting forth its principles, working and results. Thus would be gathered, from the most authentic sources and in the best form, an amount of available knowledge, inestimable in value, because manifold in its uses and applications.

2. But not only would information be accumulated through this agency; it would be diffused as well. The congress would be a centre from which light, on the subjects discussed, would radiate in every direction. The newspapers of the place where the congress should be held would report its doings; correspondents of distant papers and different tongues would tell the same story; other papers would copy the facts, principles and discussions, and so give them a still wider currency; the delegates from various and widely separated peoples would rehearse the history of what they had seen and heard on their return to their several homes, and, finally, the transactions of the congress would be published in a volume or

volumes, translated into different languages, and scattered broadcast over the face of the earth.

3. By no means least among the advantages resulting from such a conference would be the quickening, vivifying influence, which could not fail to go forth from it. It would stir to its very depths the public interest and public opinion of the world on the vital question of prison discipline and prison reform; and this, after all, is the great thing needed at the present time.

4. The congress proposed would not only collect and diffuse information; it would not only impart a strong impulse to the cause by rousing and intensifying the public interest in that cause; but it might also be reasonably expected to give a right direction to its onward march. The deliberations and discussions of such a body, composed as it would be of men skilled in criminal law and adminstration, as well as in penitentiary and reformatory science, might be expected to result in the establishment of certain definitive principles of prison discipline, which might be made the bases of the prison systems of different countries, without interfering with such variations in detail as would naturally result from the special character, manners, traditions, institutions and general spirit of each individual nation.

5. Other collateral advantages would, no doubt, spring from the conferences of men of like studies, sympathies and aims, gathered from so many different countries, and co-workers in the great cause; but they need not be particularly pointed out or dwelt upon, as they will readily occur to all who are accustomed to think upon such subjects.

Upon the testimonies submitted and the considerations suggested above, I must hold it for proved that the time has come when an international penitentiary congress may be fitly called, and that, as soon as the needful preparations can be made, such a congress may be inaugurated with the best hopes of success.

III. OF WHOM SHALL THE CONGRESS BE COMPOSED?

The fact that it is to be an *international* congress seems to me to involve, as its logical issue, this sequence, that all civilized peoples should be asked to participate in its proceedings. The peoples thus invited would be the several states of the American Union; the dominion of Canada; the Mexican and South American republics; the empire of Brazil; all the states of Europe; the Ottoman empire and vice-royalty of Egypt; the French and Brit-

ish colonies scattered over the face of the earth; and the vast empire of British India. Of course, the congress could not be a mass meeting called together from regions so extended. Rather, it must be composed of delegates representing suitable constituencies. I will not undertake to say what or who those constituencies shall be. I would shrink from such an attempt, as arrogant and presumptuous. The utmost I would adventure is a suggestion (and this is offered only as a suggestion) as to the character and extent of the representation from the United States. Would it not, then, be a proper and desirable arrangement that each state, each important prison and reformatory, each board of directors of such penal or correctional institution, each board of state charities, each social science association, and each prison discipline society, should commission and send one representative to the congress?

IV. QUESTIONS PROPER TO BE CONSIDERED BY THE CONGRESS.

The great function of the international congress will be to study, determine and embody, in terse, clear, ringing propositions that carry their own evidence along with them, those broad principles of organization and discipline which may be made to underlie, as an immovable basis, and permeate, as a living force, all systems of penitentiary and reformatory treatment, however such systems may be modified in their details by the institutions, traditions and general spirit of the different nationalities in which they may be found. I will only add, that, in reply to one of the interrogatories in the circular letters sent out in reference to the policy of an international congress, I received suggestions of topics deemed suitable for discussion by such congress to the number of one hundred and eleven, all of which, together with the names of the persons proposing them, will be found in full in section two of the appendix to the twenty-fifth annual report of the prison association of New York, and covering between four and five closely printed pages of that document.

V. PREPARATION FOR THE CONGRESS.

As I write these pages, the time draws nigh for the opening of the international protestant conference, called by the evangelical alliance, and to be held in the city of New York. For more than two years the notes of preparation for this gathering have been heard, and, as the hour of its realization approaches, they become louder and more frequent. For a full year the Rev. Dr. Philip Schaff has given his time and energies mainly to this work, sev-

eral months of which, in 1869, he devoted to earnest labors for the success of the conference in Great Britain and on the continent of Europe. In addition to what has been done, and is doing, by this eminent scholar and divine, bishop McIlvaine is now acting as the representative of the American alliance in England, aiding the British council in maturing the necessary arrangements. Drs. Buddington and Ridgeway and Prof. Charlier are intrusted with a similar commission for the continent of Europe, and Dr. McCosh for Canada, all of whom are giving as much time to the work as they can spare for the purpose.

The above statement affords a basis for some idea of the work to be done in making such preparations for an international penitentiary and reformatory congress as will be found absolutely indispensable to its success. Some idea, I say; for it does not give the full measure of the work. The international religious conference is restricted, on the western continent, to the United States and Canada, and on the eastern continent to the countries of Europe. But of the international penitentiary congress, if the breadth suggested in a former paragraph be given to it, "the field" will be, almost literally, "the world." Besides, states and governments, as well as individuals and societies, are to be interested, and, if possible, enlisted in this enterprise. Committees will have to be organized in different countries; subjects for papers agreed upon and assigned; propositions for consideration and action by the congress drawn up; and a correspondence conducted, whose proportions swell into positive vastness. From Sir Walter Crofton, Sir John Bowring, Mr. Commissioner Hill and Miss Mary Carpenter, of England; M. de Marsangy and M. Corne, of France; Signor Scalia, of Italy; Inspector Bruün, of Denmark; and Baron Von Holtzendorff, of Prussia, I have already received very decided opinions that, since this movement had its initiative in America, it will be essential to its full success, that some one from this country undertake a mission to the different countries of Europe, for the purpose of laying the project in all its length, and breadth, and promise of beneficent results, before governments, prison managers, prison inspectors, prison officers, magistrates connected with the criminal administration, and private citizens interested in prison reform, with a view to secure their good-will and coöperation.

In view of the foregoing facts and considerations, it is my belief

that a commissioner would find work enough to fill all his time and task, all his strength of mind and body, from (say) the first of January next to the meeting of the congress, provided the time of holding it be not unreasonably delayed. The only objection that occurs to me as likely to be made to this course is the difficulty of raising the funds (which would be considerable) necessary to defray the expenses of the mission; but this is a difficulty that will vanish before the first serious effort to overcome it. When an object, involving an outlay of money, is presented to the American people, the only question that need be asked is: "Is the object a worthy one? Is it worth the money that will be required to effect it?" If the object be one that crosses men's convictions, you cannot get five dollars for its prosecution. If it be one that touches the heart and commends itself to the judgment of the people, all that is really needed to accomplish it can be had for the asking, whether the sum be five thousand dollars or fifty thousand.

VI. WHERE SHALL THE CONGRESS BE HELD?

One of the interrogatories propounded in the circular sent out was: "Which of the three cities — London, Paris or Dublin — would be your choice for the sessions of the congress?" Of the persons who made answer to the circular only fifty-nine expressed their wishes as to the place of the congress. Of these, thirty-nine (two-thirds) voted for London, eight for Paris, seven for Dublin, two for Brussels, two for New York, and one for Geneva or Zurich, in Switzerland.

If the doctrine that majorities are to rule prevails, the question must be regarded as settled, and London is the place where the congress is to be held, if held at all. But baron Holtzendorff objects strenuously to London, and gives his reasons for so doing. It is but fair to give him the benefit of his argument. He says: "Experience has shown that any place of public meeting that might be chosen enjoys a considerable preponderance when people are indiscriminately admitted as members. Take Brussels and Belgium, the adherents of Pennsylvanian cellularism would have a majority by the natural preponderance of the Belgian view. Take London, and the Belgians would complain of having been voted down by the representatives of a country devoid of any experience as to long terms of isolation. In Paris the French would afford no information at all, the imperial government having

made no decided step toward prison reform. The best plan, perhaps, would be to select Switzerland — Zurich, or Geneva, or some such place, the different views there being sufficiently represented. If any resolutions were to be adopted as to the best prison system, they would enjoy the best authority when discussed on the neutral ground of Switzerland."

Von Holtzendorff is an authority from whom I should hesitate to dissent, were it not that he makes use of an expression which yields the whole argument. He says that any place where a public meeting is held enjoys a preponderating influence, "*when people are indiscriminately admitted as members.*" To this it is a sufficient answer, that "people" are not to be "indiscriminately admited as members." The congress cannot be a mass meeting. It must be a delegated body, composed of members representing constituencies, the representation being regulated upon some principle that will give a fair field and an equal chance to all. In a congress thus constituted, no nation could have any undue advantage; and the only actual advantage that could accrue to one over others would be through the more general and more punctual attendance of her delegates; but to this she would be fairly entitled on the score of the greater fidelity of her representatives.

The argument of Professor Von Holtzendorff *against* London being thus disposed of, I will venture to offer two considerations which seem to me to weigh strongly *in favor* of that city.

The first is, that if the British colonies and British East Indies are admitted to representation, in addition to England, Scotland, Ireland, Canada and the United States, the number of English speaking delegates will, in all probability, greatly exceed that of the whole body of delegates to whom other languages are vernacular. This, if so, would seem to give a sort of title to meet in some place where English itself is the vernacular.

The second is more important, and to my apprehension decisive. The usefulness of the congress will very much depend, especially so far as the education of public opinion is concerned, on the publicity given to its proceedings by the public press. The press of London is able, earnest, alert, eager to publish important news, and liberally provided with trained and accomplished reporters. General Pilsbury has well expressed my view in a single sentence, occurring in his letter in response to the circular. He says: "As to the city in which the congress should be held, I suppose London

would be preferred by most of the delegates from North America; and a very good reason for selecting that place is, that the proceedings would be more promptly and fully reported in the great newspapers published there, which have a world-wide circulation." To which I would add, that the reports of the London press could be transferred, in whole or in part, to our American and Canadian papers, without the labor and expense of translation, by which means probably ten times as much intelligence regarding the doings of the congress would find its way to the public on this side the Atlantic, as would be the case if the reports were originally published in French or German.

VII. WHEN SHALL THE CONGRESS TAKE PLACE?

The circular letter, to which reference has already been several times made in this paper, was sent out about midsummer of last year. The judgment of the persons addressed was asked, among other things, as to the time at which the congress might be most advantageously held? On this point there were but fifty responses, twenty-three of which were for 1870, and twenty-seven for either 1871 or 1872. Of course, the present year is out of the question; and I presume the choice now lies between the autumn of 1871 and the early summer of 1872. My own conviction is, decidedly, that, considering the magnitude of the work of preparation and the great distances from each other of many of the points between which correspondence will have to be carried on, that the month of June, 1872, is the earliest date at which it would be safe to fix the meeting of the congress; besides, a strong desire has been expressed by several of my English correspondents that, if the congress meets in London, it should meet in June, before the dissolution of parliament, as they believe that many of the members of the British legislature would avail themselves of the opportunity to attend its sessions, and that so a wider interest would be awakened in the cause of prison reform, and a more vigorous impulse would be given to it than would otherwise be likely to be the case.

VIII. CONCLUSION.

I have now discharged — would that I could have more worthily discharged — the duty laid upon me by the committee of arrangements; and I will close with an earnest expression of my belief

that, by collecting and diffusing information, by settling princip by quickening the public interest, and by educating public opin on questions connected with penitentiary and reformatory di pline, the international congress will form an era in the prog of this great and vital interest of society.

XXII. Historical Sketch of National and International Penitentiary Conferences in Europe and America.*

By Signor Martino Beltrani Scalia, Inspector of Prisons in Italy.

If there is a social question which, by its importance and intrinsic relations, deserves to be examined with the greatest attention, it is undoubtedly the question of criminal delinquency. After having been overlooked for centuries, and abandoned almost to the cruel handling of the hangman or of the lowest prison keepers, this delicate question has now entered into the field of science, and will soon form a most important part of anthropology.

What is crime? All the codes will answer that crime is the infringement of the law; and a unanimous vote has proclaimed the necessity of its punishment and acknowledged the right of inflicting it. As to the origin of that right, the nature of punishment and the object which it is intended to attain, opinions vary, and the discrepancies are broad, and do not seem to approach to an adjustment. It is not my intention to enter into this labyrinth. However, this concordant definition of crime, as taken in its external characters, is not sufficient to go beyond the limits of positive legislation. What is crime to its perpetrators? Such is the question that I invariably put to myself on my visits to places of punishment and in my interviews with criminals or convicts of the darkest hue, and they always bring to my mind Howard's beautiful pages. What is crime to those who commit it? Is it *neurosis?* Is it a kind of *moral disease?* Is it the *impulsion from the heart, in a bad man, from his very boyhood?* Is it the *disclosure of impiety which never leaves its victims? Is it a terrible budget, which must be paid to the galleys or the gallows?* Is it the effect *of the anger of God which has hardened the heart?* Is it the necessary consequence of the social organization, *of which the culprit becomes the instrument?* Is it an accidental and isolated fact, or is it caused by uniform laws, prepared by various elements, and developed by particular circumstances? I may be mistaken, gentlemen, but it seems to me so palpable that the careful consideration of this question ought to be our point of departure, that if I were to adopt a dif-

*Translated by an Italian gentleman of New York.

ferent method I would then act blind-folded, and do like the doctor who labors at the making up of his prescription, before he has made the diagnosis of the disease which he is called to cure. As I understand this question, until we shall have studied crime in its perpetrators and in all its relations and different aspects, we will never be able to discover the best means to prevent or correct it, nor can we say that penitentiary science has made any great progress.

Convicts must be studied in their outward manifestations because, by examining all the surrounding circumstances, we shall discover what we aim at — truth. Leaving aside all abstract speculations and uncertain theories, it is requisite that, in moral science, we should follow the same path that has been so advantageously taken in the study of natural science. To this object, in my opinion, ought to be directed all individual and collective efforts, because moral facts, as well as those which are called natural facts, have a cause so to be.

Penitentiary science has now been in existence for a whole century; but what or where are the treasures gathered by experience? What are the facts that can be held as constant? How has it contributed to the solution of other social problems? Many reforms have been adopted in the various criminal legislations, in almost all the countries of Europe; many more are claimed in the name of humanity, of public morals, of social interest; but the speaking figures and statistics of crime have not been often looked at, and temporary prejudices or unsound convictions have prevailed instead.

For the last fifty years, the efficiency of the different penitentiary systems has been carefully debated, but that question has not yet made much progress; and, at present, as was the case a long time ago, the champions of different schools are ranged in the field of abstractions, to go over the same arguments, and to allege, on both sides, the same facts and experiments. Though chains have been broken, though corporal punishment has been abolished, though the prisoner receives a better treatment than heretofore, though indulgence and leniency have now superseded the severity of punishment, nobody can tell me whether, and how far, this humanitarian spirit has stopped the corrupting current of guilt; what have been the effects of such or such other punishment; and none can inform me why they have

deemed it better to be more lenient or more severe; and the problem about relapse still remains unsolved.

The study of the prisoner is the greatest need still felt after so many years of toil and debate: we have just reached that point where we should have commenced because, after so much labor, we have only reached an empty space. *Why is the progress of prison reform so slow and imperfect? and what is the cause of so much discrepancy of systems, when the greatest unity of views is necessary and might secure success?* These same questions were raised many years ago by two eminent writers on penal matters, Messieurs Ducpétiaux and Russell, the former inspector-general of prisons in Belgium, and the latter holding the same position in England. They thought that to remedy that fault, it would be enough to meet and come to some understanding — to communicate to each other their respective objections and the results already obtained. They concluded to call a great meeting, a proposition cheerfully greeted by all. However, this was not the first time that the prison question was brought before a gathering of highly talented men. Since the year 1835, the Swiss association of public utility had joined this question to the subject of pauperism, and occasioned a very important and lively debate. At the French Institute, in 1835, the celebrated Beranger de la Drôme gave hints as to the best method for a penitentiary system. At the two Italian congresses held at Florence and Lucca, in 1842–43, the question of penitentiary reforms was started from a sanitary point of view, and almost at the same time, in the academy of moral and political science in Paris, Messieurs de Chateauneuf, Lucas and de Tocqueville were treating, most extensively and with great learning, this very subject which at that time was attracting the greatest attention on the part of the government. In the year 1845, the congress which had been proposed by Ducpétiaux was opened at Frankfort on the Rhine. The United States of America, England, France, Italy, Prussia and other nations were well represented at that great meeting, which consisted of about eighty members. After three days of debate, among other resolutions, the assembly declared that "the system of continued solitary confinement should be applied to convicts and prisoners serving only for a short term; that this aggravation of punishment should diminish the term of the penalty itself; that the penal codes should be revised and made to harmonize; that

the prison inspectors and commissioners of *surveillance* should extend their duties to a wider application; and that protective associations should be so constituted as to become the necessary instrumentality for penitentiary reforms."

A second congress met in the following year (1847) at Brussels, which was attended by more than 200 members, who represented the most civilized countries of the two hemispheres. A good many reports were read there, viz.: on the condition of the prisons in Germany, England, Belgium, Italy, France, etc.; and, after three days of the most interesting discussions, the following resolutions were adopted and passed, viz.: "That it is essential that houses of correctional education for young delinquents, on the system of temporary individual confinement, should be instituted, having also the privilege of placing the said young culprits in agricultural colonies, or authority to bind them with good and honest farmers and mechanics, through the protective associations; that the inner service of the prisons should be intrusted to two classes of agents, *menial* and *moral;* that the latter class should be well prepared for the discharge of their arduous duties by a sort of apprenticeship; and that religious or philanthropic protective associations should also give their help to reform the penitentiary system."

However, extraordinary political events came to interrupt those interesting labors; *but the seeds had been cast on a good soil, and were not tardy in their germination.* An international congress of philanthropy was called again in Brussels in 1856, at which it was decided that another meeting should take place, in the following year, at Frankfort-on-the-Rhine; and that noble city did joyfully greet some of the same eminent men who had joined the congress held there in 1846, and who were called again together to determine certain difficult questions, and especially the vital question concerning penitentiary reforms. This congress also was attended by a numerous and select band of philanthropists and scientific men from all parts. Every body knows the precious publications edited by that congress, in two volumes, containing the records of many propositions and suggestions made during that session, and of certain views expressed by some members of that assembly, highly interesting for their philanthropic bearings.

The congress held at Frankfort-on-Main, in 1857, went far beyond all that had been done at all previous meetings, and the main resolutions adopted there were the following: The appli-

cation of continual solitary confinement even to prisoners who have to serve a long term: Reduction of one-third of the penalty by serving the term in solitary confinement: Application of solitary confinement even to juvenile delinquents, but only to prepare them for the ordinary regime in the house of correction: The institution of penal agricultural houses for old or invalid culprits, and for those to whom solitary confinement could not be applied without inconvenience: Abolishment of corporal punishments, of supplementary penalties, and of public labor: Amendment of the law of *surveillance*, so as not to hinder the action of the protective associations: A uniform method in the administration of prisons under the direction of one single department: Apprenticeship, that is, special education and training, for the keepers: Establishment of intermediate institutions between imprisonment and full liberty for habitual criminals, and for those who, having been discharged, have no means to support themselves, and find no occupation: Publication, at stated periods, of printed reports in regular forms, so that they may be compared, concerning the condition of the prisons and the results obtained therein, especially in prisons for solitary confinement. A charter was strongly recommended for an international philanthropic association, whose object would be to bring together men from all countries, devoted to the work of relieving and improving the poorest classes of the people; and who would also communicate their views to each other on subjects of this kind in order to arrive, in a more easy way, to the solution of certain problems more intimately connected with crime and misery.

Now, if we pause a little while to gather the fruits of the work done, and of all past efforts and experience — alas, gentlemen, we shall find that these fruits are very scanty. It is impossible for me to follow up, in a short paper, the history of penitentiary reforms, in order to give to the conferences the credit to which they are entitled for their labors. Much less am I willing to ignore their great influence on the progressive advancement made in the premises.

But at a rapid glance on the present condition of the penitentiary question, it seems to me that the system of continual solitary confinement, enforced against both juvenile and adult prisoners during the whole term of their punishment, instead of gaining is losing ground every day; I think also that the revision of penal laws is proceeding very slowly and with uncertainty; that the

protective and *surveillance* associations have become lukewarm; and that the apprenticeship or special training of the keepers and the appointment of the moral agents have remained mere wishes. I notice some penal agricultural establishments, but they are not for chronic invalids, or for those to whom solitary confinement might prove prejudicial. Corporal punishment has not been wholly and everywhere abolished, and irksome, unproductive labor is still in full force. I cannot discover any miracles from the intermediate institutions for unreformed delinquents, or for discharged prisoners out of employment and without means. From the statistical tables of various countries I have not been able to gather exact and uniform data in their details, which alone would make them interesting; and the international philanthropic association, toward which more than one hundred influential members of the last congress at Frankfort had promised their encouragement, has not secured the important and noble aim to which it was destined.

When Ducpétiaux conceived the first idea of a penitentiary congress, he thought, as I have already remarked, that a mutual understanding would be a very easy matter, as it would have been enough to meet and communicate their views to each other, with the various results of their respective experiments.

At the other congress, held at Frankfort-on-Main, seven years afterward, Professor Mittermaier acknowledged also that a great difference of opinion existed; and while he wished to come to an understanding, he did not place much reliance on a speedy result, and he thought *that they were far distant from the object at which they were aiming.*

But the arguments on penitentiary reforms have not been limited to the conferences which I have mentioned above. Allow me, gentlemen, to make some remarks about what has been otherwise done in a local sphere, and you will easily perceive that the results have not proved much better. A society for the encouragement of social knowledge has been founded in England since the year 1857; in all its annual meetings the penitentiary question has always been considered as one of vital importance, and men of great intelligence and practical activity have largely contributed toward its progress. But where are the results obtained from such labors? At those meetings the use of intoxicating liquors has been held as one of the principal causes of crime; many remedies have been suggested, but the wound is still bleeding; and

gg-shops and bar-rooms are as flourishing as ever. The Irish nitentiary system has been declared better than the English sys-n; a police inspection or surveillance has been recommended; oks for the registering of habitual delinquents have been pro-unced necessary; juvenile delinquency has been denounced nost with terror; but the desired reforms and provisions of law e still awaited. Something indeed was done, when the evil esented itself in an alarming way. The English statistical ples continue to be published on stereotyped forms of many ars' standing, without paying any attention to the urgent demands science. We might repeat to-day the very significent words tered ten years ago by Kinnaird: "*What have we done, what e we doing, to control the predisposing causes of crime? But little, im afraid.*"

The Swiss association of public usefulness, which met at Geneva 1863, examined also the penitentiary question; and the report ade by Dr. L. H. Gosse, deserves great attention on account of e many facts contained and the wise remarks which accompany em. In his report, he recommended the application of solitary nfinement to prisoners awaiting trial, and to convicts sentenced to t more than one year's imprisonment; but I am not aware that e said report was acted upon at that meeting.

In the year 1865, an international congress for the encourage-ent of social knowledge met at Berne, and they took up again is subject. Many countries and various scientific associations ere represented there. Many speakers took the floor, and the rious penal systems had their advocates. The Irish system had e most of them. But that congress adjourned without giving y decided opinion on this important subject.

With the view of adopting some fundamental principles, a society as founded in Switzerland in 1867, for the forwarding of peni-ntiary reforms. Its framers and originators were Messieurs Kühne St. Gall, Müller of Lenesburg, and Wegmann of Zurich; and was framed on the model of the German society established at uttgard in 1863. A series of questions was proposed for gradual amination at the successive meetings of the association. I may d that that series was in two different parts; one relating to gislative matters, and the other to subjects of public economy — deserving the most serious attention. In the first part, there e many queries made with the object of harmonizing criminal legis-ion with the expiation of the penalty; and, in the second part,

holding, as already decided, the question on the prison system in favor of that generally adopted in Switzerland. Certain other questions were introduced for public debate, and among them these: "*Whether prisoners, when arrested, should be placed at first in solitary confinement; whether good behavior can justify the discharge of prisoners; whether ill behaved convicts should be placed in special prisons; whether places of punishment should have farming lands attached; and whether the structure of the buildings should be that of the panopticon of Bentham,*" etc., etc. The congress concluded by recommending centralization in the direction of the penitentiary service, and the publication of statistical tables, all made out on the same basis.

In the following years, 1868 and 1869, the same association held its annual meetings at Lensburg and St. Gall. At the first place the director, Mr. Kühne, dwelt at length on the necessity of having uniform statistical tables, of which he traced with skillful hand the main features. Forrer spoke of protective societies, and Müller about the need of greater harmony in the criminal codes of Switzerland. At the meeting at the latter place, Mr. Vaucher Crémieux read a very elaborate report on the Irish prison system; Forrer gave the history of the Swiss protective society; Büchi suggested the founding of a correctional asylum for juvenile delinquents. We wish a long and prosperous life to that newly born association, and wish also that Mr. Kühne's motion may be favorably received and adopted, and that the prison statistical tables of Switzerland may soon be published, as a continuation to the very ingenious essay by Dr Orelli.

At the same time that the Swiss association was founded, the German society also had its beginning, under a similar title; and they met, for the first time, at Dresden, in 1867. At the opening of that respectable assembly, there was a general outcry in reference to the disgraceful condition of public prisons in all Germany; and they pointed at the *necessity of giving to the management of the prisons a more uniform and central direction, and to the publication of the prison statistics a greater unity of investigation.* It was suggested, also, to *give to the superintendents of large penal establishments the supervision also of the smaller ones. Solitary confinement was adopted as a fundamental system. They sanctioned the principle of shutting up in work-houses insolvent debtors, and of transporting into exile convicts that could not be reformed.*

Yet how many of these resolutions will receive the sanction of public opinion and of the proper legislative bodies, time only will tell.

The short limits of this paper will not allow me to dwell on other congresses of less importance. But you will permit me to say a few words about the international statistical congress, and, referring to that part which concerns penitentiary subjects, I cannot but exclaim, "What have we obtained?"

What the object of such a congress should be, has been clearly established by the congress of Brussels in 1853. *It is to find and introduce unity in official statistics, so that the results may be compared.*

The congress of Paris, in 1855, gave a unanimous vote in favor *of having a uniform compilation of penitentiary statistics; and it was decided that they should be preceded by accurate information in relation to the penal system, to the various degrees of punishment, to pardons*, etc. A sort of outline was even traced, while a series of questions, the solution of which was demanded, had been so formulated as to obtain the most concise and accurate answers.

The expression of such a desire could not be more legitimate. However, if any of you, gentlemen, have been laboring, since that time, to put together the several statistical publications, he must, like myself, have met with very great disappointment. That earnest appeal met only with silence, and silence was exchanged by the successive conferences.

However, as prison statistics are intimately connected with judiciary statistics, since the congress of Paris in 1855, that of Vienna in 1857, and that of London in 1860, there has been constantly demanded uniformity of figures and of researches in reference to the condition of prisons and prisoners. But these new solicitations did not meet with a better ear.

By the congress of London it had been desired that the statistics of the prisons should furnish some ideas concerning the *places of detention* and *the penitentiaries*, and also as to the system, the discipline and the administration of the same, giving in the meantime all possible information about the prisoners. It was the same resolution passed at the congress of Paris, only a little more restricted. But even so, nothing or very little has been obtained.

At the statistical congress held at Florence in 1866, one of the subjects well debated was *the causes of delinquency*, and the

classification which should be adopted was then decided. Many other resolutions were passed unanimously in reference to minors. We may hope that these seeds will come to something.

Young America was not, in this respect only, more fortunate than old Europe. In 1847, the prison association of New York called on the most learned philanthropists and scientific men, and asked them to meet in a congress, in order to consider and determine certain questions of an overwhelming importance. Among them was the one *of making and publishing regular and uniform statistical tables concerning the public prisons.* I am not informed of the resolutions which were adopted at that congress; but, after twenty-three years, I read now in your valuable pamphlet, "*Principles of Prison Discipline suggested for consideration by the National Convention,*" the following phrases: "The science of statistics, especially as relating to crime and criminal administration, is too little appreciated, and therefore too much neglected in the United States." After a lapse of twenty-three years, I meet again with the suggestion of publishing uniform statistical data concerning the prisons. But still, every one will coincide with your opinion that "*the laws of social phenomena can be ascertained only by the accumulation, classification and analysis of facts.*" But what is the reason that so much power of will, so far, has been repaid by so unsatisfactory results? This, gentlemen, is my query at the present moment, and, while I am laying my finger upon the sore spot, you will please to suggest the remedy for it. I have written on this great subject what I sincerely think, and I may now reiterate it without fear or hindrance. Generally speaking, the congresses were mere academies, where any one went with the stock of goods which he wanted to dispose of, and left with the same convictions which he entertained before those conventions.

Far from looking upon those great assemblies as wholly useless, I must acknowledge that the meeting of so many men, so distinguished for their learning and virtuous purposes, and the mutual interchange of ideas, of practical views and projects, cannot fail to give a powerful impulse to the advancement of science, and widen the individual horizon beyond the sphere of each individuality. But this must not be the only object we aim at. The compact, united forces of eminent men, led by such lofty desires, must necessarily and ultimately attain the most advantageous results.

I do not propose to ask any thing from governments, except the communication of positive facts, of experiments, which are not the exclusive property of public officials, but the lawful inheritance of science and humanity. Founded upon this right, the Cincinnati congress will address itself to the governments of all civilized countries, and demand that proper delegates be sent by each of them to some determined place, and at a time to be fixed. The delegates so elected ought to establish uniform bases on which penitentiary statistics should be compiled, and to propose some theses to be properly treated and discussed, as well as queries to be answered. Such a programme ought to be submitted to a congress, which will thus trace the regular way to travel upon.

Having thus fixed our point of mutual departure, we will be able to understand each other upon every point, and to read in the sublime book of nature. The investigations made on such a broad scale will undoubtedly contribute to the progress of science, which, in its turn, will lead us to other searches; and by comparing facts and the observations made, a source of information will be created to which, in future, statesmen and philosophers may safely recur. To begin this undertaking, it will be sufficient to solicit from the various governments the necessary informations without any cost on their part, and to publish books or tracts, *in which the general interest of science may be reconciled with the special interest of each country*. Such was the wish expressed, some thirty years since, by the celebrated statesman Quételet, and which I beg now to lay before the congress sitting at the city of Cincinnati.

To a moment when thousands upon thousands of precious youthful lives are sacrificed on the altar of military glory, raised on the ruins of desolated cities, of destroyed centennial monuments; on deserted fields, formerly so luxuriantly fertile; we must hope that an era of peace, of liberal progress, and of general enlightenment will soon succeed. To the enmity of rival powers, the brotherhood of peoples must be opposed. Old Europe will respond with enthusiasm to any appeal coming from the other side of the Atlantic, and, most assuredly, the first will be young Italy, which, from the tops of the seven hills of Rome, is now greeting the rising sun of her new era!

XXIII. Responsibility of Society for the Causes of Crime.

By J. B. Bittinger, D.D., of Pennsylvania.

Society sustains a four-fold relation to crime: (1) To those who are in danger of becoming criminals; (2) to those who are criminals; (3) to the prison population; and (4) to the liberated prisoners. These several classes differ very much in their numbers, from the comparatively small class — the imprisoned — to the large class — the criminals themselves; and the still larger body from whom the criminal class is recruited.

I. THE EXPOSED POPULATION.

(*a*) *Helplessness.*

Of the above four classes, the most clearly defined is the prison population. Their numbers are definitely known, or at least knowable, as also are their offences. If now, from the seventeen thousand criminals in the different penitentiaries and state prisons of the United States (1868), we can get an answer to the question: *What brought you here?* we shall have made a great advance toward answering this question: *What is the responsibility of society for the causes of crime?* Now, what is their answer? More than twenty-eight per cent tell us they could not read when they entered; ninety-seven per cent had never learned a trade; those from foreign countries number twenty-eight per cent; those under age nearly twenty-two per cent; while three and one-third per cent are insane and feeble-minded. Here are five sources of crime — ignorance, imbecility, want of a trade, youthful inexperience, and voluntary exile.

If from these penitentiary statistics of the whole country, we pass to examine those of the common jails of New York (1864), we find that thirty-two per cent could not read; seventy-two per cent were without a trade; fifty per cent were foreigners; forty-nine per cent were left orphans before they were fifteen years of age; and fifty per cent admitted their frequenting gambling-houses, houses of ill-fame and grog-shops. Here, in addition to ignorance,

orphanage, exile and want of a trade, we have gambling, licentiousness and intemperance as causes of crime.

Coming still nearer to the honest community, and therefore nearer those causes of crime for which the community is responsible, let us hear what answer is given by the inmates of our twenty-eight reformatories, including, under this name, industrial schools, reform schools, farm schools, houses of refuge and juvenile asylums. Their average number of inmates in 1868 was 7,963, and their average age a few days less than thirteen years. Of this number sixty per cent were of foreign parentage, fifty-five per cent orphans and half orphans; twenty-three per cent used liquor and tobacco; forty-three per cent were homeless and truant, and twenty-seven per cent wholly illiterate. There is a sad uniformity in these respective percentages, and a still sadder uniformity in the directness with which they point to ignorance, idleness, homelessness, orphanage, licentiousness and drunkenness as sources of crime. It is noticeable that most of these causes of crime are negative. They are want of knowledge, want of a trade, want of work, want of a home, want of friends, want of mind and want of parents. It is not strange that a population, from whom most of the natural and moral defences are taken away, should be tempted and fall. Such helplessness borders on hopelessness, and nothing remains for its heirs but starvation or crime. Crime is the last resort of the helpless honest, unless society provides a refuge. "O poverty! thou art indeed omnipotent! Thou grindest us into desperation; thou confoundest all our boasted and most deep-rooted principles; thou fillest us to the very brim with malice and revenge, and renderest us capable of acts of unknown horror! May I never be visited by thee in the fullness of thy power!"

(*b*) *Orphanage.*

Of 1,553 children received at Mettray, 297 were illegitimate, 705 orphans, 114 foundlings, 302 whose parents were in prison, 214 of parents married again, and 99 whose parents were living in concubinage. Take away Mettray, and what choice had these innocents? "Look," says Dr. Guthrie, "at the history of the children of Edinburgh, in the original ragged school, as detailed in some of the annual reports: Found homeless, 72; with the father dead, 140; mother dead, 89; deserted by parents, 43; one or both parents transported, 9; fatherless, with drunken mothers,

77; motherless, with drunken fathers, 66; both parents worthless, 84; beggars, 271; known or believed to be the children of thieves, 224." Outside of the Edinburgh ragged school there was for these children neither home nor help, father nor mother. In effect, society had shut up these children to crime. They must live, and a criminal life offered most chances.

What kind of life orphan girls in cities generally choose, the following figures by Mr. Brockway show: "Eighty per cent of the females received into the Magdalen Home at Glasgow, Scotland, in 1866, were orphans or half-orphans. Seventy per cent of all females received into all the establishments in London, in the same year, were also either orphans or half-orphans." Out of 15,000 commitments of females in New York city (1866), 2,240 were for vagrancy — which is but another name for homeless girls, girls who have already lost the bloom of their virtue, if not their virtue itself, and are steadily moving on toward a life of prostitution. But no statistics, however startling their ratios, can convey an adequate idea of the fearful tendency which orphanage, among the poor of our cities, has toward crime. During the same year, 968 girls, between the ages of 15 and 20, were imprisoned for petit larceny. Here, then, we have more than 3,000 girls, out of 15,000 female offenders of all classes, committed to theft and lewdness.

Now let us look at the crimes of boys. I quote from the twenty-first annual report of the prison association of New York, because Mr. Brace's figures, with which the comparison is made, belong to that year. Out of 24,329 male commitments, 2,347 were boys for petit larceny. That is, one-tenth of the offences were by boys, and three-fourths of the whole number of petty larcenies committed were committed by the same juvenile class. Here, then, we have picked up, by the police, in the streets of New York, in one year, 3,315 juvenile thieves, to say nothing of the larger number of undetected, most of them orphans, all of them uncared for. So much for those who, through idleness, friendlessness and homelessness, choose the street for a home and crime for a means of living. Many of this class, it is true, beg; but the limits between begging and stealing are very narrow, and, when begging becomes an occupation, they disappear altogether. Professional beggars are thieves in disguise. Their children can hardly be said to steal; they merely follow the occupation of their parents. Their vagabond

lives beget in them beastly appetites and habits. They have few ideas of propriety, none of daintiness or self-restraint. If idleness and the want of parents and home work so disastrously, it is safe to infer that, if these deficiencies were supplied, we should at once drain, if not dry up, these sources of crime; and when Red Hill can show seventy per cent of recovery, and Mettray eighty-nine per cent, no community that neglects or refuses to give their methods a fair trial can escape the responsibility for more than three-quarters of its juvenile criminals.

(*c*) *Ignorance.*

Ignorance is a source of crime. It operates in various ways, — first to expose men to it, and then to prepare men for it. The uncultivated mind is weakened by non-use. For lack of ideas it is left to the suggestions of the animal appetites and their debasing and corrupting tendency. In a land of books and schools, ignorance is not consistent with self-respect or manliness; even the pitable standard set up in our prison statistics — to be able to read — is far above many of the adults who enter their walls; but when we erect the higher and truer one — of being able to read with facility and zest — such proficiency as puts knowledge both as a pastime and a power within men's reach — how beggarly is the show among our prison population.

The average per cent of the state prison population of New York (1864) that could not read was 32. Now admitting that the remainder could read, and not disparaging the quality of it, the percentage stated shows eleven times more ignorance among those 2500 than among the total adult population of the state. Only three per cent of those outside the penitentiaries could not read, while thirty-two per cent of those inside could not. Even not knowing how to read is eleven times more likely to lead to crime than if a man can read.* Ninety-seven per cent of the non-prison population could read, while only sixty-eight per cent of the prison population could read. Knowing how to read is two-thirds as favorable to honesty as not knowing. In other words, knowledge is more preventive of crime than promotive of virtue.

But as the want of practical knowledge is as really ignorance as the want of book-knowledge, the following figures from Mr. Byers, late chaplain of the Ohio penitentiary, are more to the point as to the influence of ignorance upon crime. Out of 2120

* Or, as Dr. Wines puts it, one-third of the crime is committed by two hundredths of the population.

under his care, sixty-seven per cent were uneducated, that is, men who could only read, or who could merely scratch their names; fourteen per cent did not know their a-b-c's; seventy-four per cent had never learned a trade. Here we have eighty-one per cent, ignorant of books and seventy-four per cent ignorant of a trade. Apply these proportions to the outside population, and what a mass of ignorance and helplessness it would make. Hugh Miller, himself a mechanic and a shrewd observer, speaks of the influence of these two kinds of knowledge, as follows: "I found that the intelligence which results from a fair school education, sharpened by a subsequent taste for reading, very much heightened, in certain items, the standard by which my comrades regulated their conduct — not against intemperance or licentiousness — but against theft and the grosser and more creeping forms of untruthfulness and dishonesty."

(*d*) *Immigration.*

Another fruitful source of crime is immigration. The figures here are so startling in their disproportions as to foster, and apparently justify, a strong prejudice against our foreign population. Foreigners crowd our almshouses and asylums, our jails and penitentiaries. In the eastern penitentiary of Pennsylvania, from one-fourth to one-third of the inmates are foreigners; in Auburn, from a third to one-half; in Clinton, one-half; in Sing Sing, between one-half and six-sevenths. In the Albany penitentiary, the aggregate number of prisoners during the last twenty years was 18,390, of whom 10,770 were foreign born. Formidable as such numbers are in their disproportions, we must not be hasty or harsh in taking up a reproach against "the stranger." The excess is local — following the sea-ports and lines of emigration. For while the general average for the country is twenty-eight per cent of foreign-born criminals to seventy-two per cent of native-born, in Nevada the foreign-born criminals are fifty-six per cent; yet in Georgia, Alabama and South Carolina, they are only one per cent. There is, however, an excess, and to account for it, let us look at the circumstances that are against foreigners.

They come here as strangers, often sick, almost always poor; they have few friends to meet them, greet them, or care for them; they are ignorant of our language, our laws and our customs — without a place in which to live, to work or to worship; and, if they remain in our cities, as many of them do, they are always exposed to the

worst classes of both their own and our countrymen. Is it strange that, with all sympathy and support withdrawn, these exiles should despond and fall to drinking, or despair, and commit crime? The loss of ten dollars, through a sailor boarding-house or a fraudulent ticket agent, may make the difference between a thrifty farmer in Wisconsin, and an inmate of Sing Sing. As the asylum of the poor of all nations, the United States are specially charged with the duty of a philanthropic legislation respecting immigrants. The famine of Ireland threw thousands of paupers and the product of pauperism on our shores — the immigration since, though less depressed in character, is still a poor, if not a pauper, immigration; and only in a modified sense can it be said, that this is not the character of all our foreign influx, whether the stream is fed by the coolies of China, the cotters of Ireland, or the peasants of Germany. Most of them live so near the line of pauperism at home, that on reaching our shores, with neither home, employment nor capital, thousands fall below the dead-line of life, with no record but the mortuary or criminal register. But no words can speak for these exiles as do the following facts and figures, taken from the last report of the *commissioners of emigration.*

Emigrants provided with food and lodgings,.....	18,288
Emigrants provided with situations,.....	36,293
Emigrants relieved, forwarded, etc.,.....	73,187

Society must keep this population from approaching the dead-line. The commissioners of emigration have done nobly, but no local organization can direct and distribute this mighty tide. The nation must do it. "The object of government is to do for a community what the community cannot do for itself." Emigration stands between Europe and anarchy, and what the old world is travailing with till she is delivered, the United States must get ready to receive. We need a national emigration bureau, with receiving agencies abroad and distributing agencies at home. The nation on which these immigrants bestow themselves and their labor cannot quit itself by offering homesteads; she must see that the man for whom she intended these homesteads shall find them. She must insist that shipmasters shall not revive the horrors of the "middle passage," and that our railroads shall run their emigrant trains at least as fast as their cattle trains.

The tendency of *homelessness*, with all its concomitant privations, to crime is painfully illustrated in the character of our canal, river and railroad populations. The number of criminals in proportion to the number of wayfarers and common carriers, is very large; so large that it taints the population adjacent to great thoroughfares. Along the Erie canal there was, in 1863, one crime to every 1,276 of the population; in the population not adjacent, the commitments were only one to every 2,876. The nine counties bordering on the Hudson furnish one conviction to every 1,518 of their population; while in the same number of counties secluded from trade and travel, we have only one conviction to 2,664 of the population. Rafting and lumbering show similar evils flowing from homelessness.

As an episode bearing on the dangers of homelessness, let me condense a long letter written five years since to the secretary of the young men's christian association of New York, by one of the hundreds of young men who annually go to the city to seek their fortunes. First comes *rum*, to keep up spirits and energy for night work; then three-fourths of their salaries spent in *theatres* and *bar-rooms*, and, in dull seasons, *more rum* to drive away the blues. Many go to *low concert saloons* only to kill time. They *play billiards* for *drinks*, and bagatelle for lager — play *faro*, or have a throw at *cards*. They go to the *opera*, to the *theatre*, oyster suppers, and *worse*. All this to feed the hunger of their homeless hearts, for "they bunked in boarding-houses." In receiving and caring for *this* emigration, let our young men's christian association find their proper and sufficient work.

(*e*) *Drunkenness — Prostitution — Gambling.*

In all our criminal statistics these three vices appear as the most productive sources of crime. More than half our prison population are intemperate, or were under the influence of liquor when they committed the crimes for which they were imprisoned. The provincial penitentiary of Upper Canada, in its report, names drunkenness as one of the two chief causes of crime. Out of 47,313 in the city prisons of New York, (1867), 31,298 admitted their intemperance. Fifty per cent of the immates of all the county jails of New York (1864) confessed that they frequented drinking, bawdy and gambling-houses. What is the duty of society toward these "institutions?" I will not stop here to answer

this question, but merely say, in passing, that we shall better understand that duty when we once come to regard drunkenness, gambling, and prostitution not as *causes* of crime, but as *crimes*. The same remark applies to tenement-houses, swill-milk and tainted food — not the tenants and consumers, so much as the venders and proprietors, are the real criminals. I say nothing of hereditary crimes. Under a wiser legislation, these will be held to be diseases and misfortunes, rather than crimes, and every acquittal on the plea of insanity will be accompanied by a sentence to an insane asylum. It is no longer a question of science whether there are hereditary moral and mental, as well as hereditary bodily, peculiarities. Kleptomania is only one of the manias. Thieving argues not only moral depravation, but intellectual as well. It is not an easy way of living. Measured by the criminals' standard of labor and wages, it is a hard way — an extra-hazardous occupation. It is gambling against the whole community, and sure to be a losing game. When restitution shall become a recognised element in our penal legislation, we shall have few old offenders who are sane.

II. THE CRIMINAL POPULATION.

We come next to consider the responsibility of society to the criminal population. This class forms the middle term between the endangered class and the imprisoned class; it is smaller than the one, and very much larger than the other. Though our judicial registers are sadly imperfect, they furnish testimony sufficient to show that the disproportion between arrests and convictions is very great. Dr. Parrish, in a paper on *professional criminals*, says "that out of some 20,000 miscellaneous arrests in Philadelphia, per annum, there are but about 1,000 convictions." If this proportion is an average for the whole country, it makes the number of the criminal population something appalling. Great Britain reckons "that one person in 300 of her entire population is a juvenile delinquent — a destitute vagabond, abandoned, and in many cases a law-breaking child below the age of seventeen;" about the same ratio holds as to the adult criminals. If now these proportions obtained among us, supposing our population to be 39,000,000, "the dangerous classes" would number a quarter of a million — more than one-half of whom would be criminals. Now here is a secret caste numbering at least 150,000, composed of thieves, robbers, burglars, forgers, counterfeiters, and of persons guilty of

prostitution, seduction, rape and murder. Their business is crime. They have their capital and places of trade, their amusements, literature and schools. They live in some sort of loose family and social relations, and under the same laws of increase which work in honest communities. They are an organization of criminals for the purposes of crime. How far is society responsible for the existence of this guild of offenders?

Let us see. First come the capitalists of crime — the makers of counterfeiters' and burglars' implements; the receivers and vendors of stolen goods; the lenders of money on stolen goods; and the owners and keepers of flash houses for the resort, lodging and concealment of criminals. Separated from the capitalist by a very narrow line come the middle-men of crime — men and women who get their living by converting the vicious into criminals. These are the keepers of drinking-houses, stews, dance-houses, rat-pits, dog-pits, and gambling-hells. At another short remove come the amusements of the criminal class. Whatever excites or gratifies the lower passions, whatever stimulates the appetite for sufferings or hazards, is a source of pleasure to them. The dog and prize fight, the rat and cock-pit, badgering and bear-baiting, horse-racing and public executions, and all kinds of betting, are their delight, and so many schools to brutalize the idle, the vagrant and the young.

They have also their peculiar literature: dime novels, sporting papers, illustrated papers, doctor books, obscene prints and photographs. The papers debase and corrupt by their horrible and indecent pictures; by the details of vice and crime; and, above all, by advertising the whole paraphernalia of licentiousness. It is a literature in which the heroes and heroines are thieves and prostitutes, and the policemen and honest traders muffs. It induces men to commit crime, and, at least in one state prison, followed the prisoners to corrupt them still further. When a literature, which is essentially "earthly, sensual and devilish," circulates among the outside criminal population, and, as in this case (22d Ann. Rep. N. Y. Prison Ass. p. 482, quest. 800), by "corn-baskets-full" among the prisoners themselves, is it to be wondered at that self-abuse is *the* vice of our prisons and penitentiaries?

III. THE PRISON POPULATION.

The last cause of crime which I shall mention is the criminal himself. This is not an idle play upon words. Like produces like. The criminal, as a prisoner, is a source of crime. As held in durance, he forms a society by himself; so far as he is unemployed and vicious, he becomes a teacher of vice and crime to other prisoners. These in the first stages of imprisonment are generally huddled together, irrespective of age, sex or criminality. Not unfrequently we confine the criminal and the witness by whose testimony he is to be brought to justice in the same room. We commit the boy for doing nothing because he has nothing to do, to the same apartment with the old offender, to be entertained, depraved and educated for crime by listening to the recital of its excitements and pleasures. The vagrant girl is lodged with the brazen prostitute. In such a community every thing tends lower. There is no general virtuous opinion to control. Their feeling is a class-feeling, "and whatever tends to class-feeling tends to demoralization first, and then to degradation — not merely of the body, but of morals. Classes care only for the opinion of the class; cliques for the opinion of the clique; clubs for the opinion of the club." If, therefore, there is to be any recuperation in prison life, it must begin from without. The officers must originate the recovery. If officers, with only selfish ends, are put to watch these degraded and hardened men, their selfishness will only harden them still more. So long as prisons are regarded merely as houses of detention and punishment, it matters not what the character of the keeper is, provided he keeps the prisoner safely; but if reformation is the aim of prison life, and restoration to society its issue, then the character of the keeper is of the first importance. He is an evangelist — and no man who is morally unfit, either because of want of interest or faith in the recovery of the prisoner, should be a warden, chaplain or assistant. The prisoner's co-operation is necessary for his reformation and must be secured. The keeper must know that enforced work is almost as dangerous to the criminal's character as enforced idleness. The criminal retains something of a sense of justice and propriety even in his outlawry, and his self-interest and self-respect must, therefore, be preserved and strengthened. If you shut him up to the thought that he is, and is expected to continue, a criminal, you take hope from his horizon. He emerges from prison less fitted to assimilate with

honest society than when it cast him out the first time. So far as seclusion from criminals outside and segregation with the criminal world inside were fitted to reform him, he is reformed, and that is all. Formerly he was a free criminal, now he is an imprisoned criminal — his character is the same and, as a criminal, he can never exert any but a criminal influence on himself or fellow prisoners. When he has served his time, he becomes once more a free criminal, adding one more to the number of outside criminals — thus ever moving in a vicious and vitiating circle.

The proportion between the criminals released and the criminals restored is the test of the efficiency and efficacy of a system of prison discipline; and society is as really responsible for those causes of crime which work upon the convict while in prison, as for those which brought him there. You separate the criminal element because it is safer and cheaper when segregated than when diffused through the body politic. If, however, the period of segregation is badly managed, it may at the time cost the state as much pecuniarily, and, after the disturbing element has been received back again, may cost more than if no imprisonment had taken place. Two things, therefore, must be sought imperatively: reformation of the prisoner, if that is possible; perpetual detention, if not reformed.

AXIOMS IN SOCIOLOGY.

The following axioms will help us better to understand the responsibility of society for the causes of crime:

I. *Whatever exposes men to commit crime is a source of crime.*

Helplessness may be considered the sum of this exposure. Poverty is a kind of helplessness. Ignorance is a kind of helplessness — ignorance of reading, writing, arithmetic, trade, language, customs, laws, etc. Orphanage is helplessness, as also is homelessness. Society in all civilized countries has committed itself in part to this helpless class in each of its dependent phases. It provides also houses for the poor, orphan asylums for the bereaved, schools for the ignorant, emigration commissioners for the foreigner. What it needs to do, in order to meet all its responsibilities, is to enlarge, systematize and enforce its supervision. If society has the right to take the property of the community for the support of paupers, it has the right so to legislate in respect to property that there shall be no honest paupers but the imbecile. If society

has the right, for reasons of state, to tax the rich for the education of the poor, it has the right to compel attendance upon the means of education. The rich man's duty to support the school is the poor man's duty to attend it. The same principles which make society responsible for orphans *de jure*, make it responsible for orphans *de facto*; thus the children of friendless paupers and of criminals become the wards of the state.

Charity, in its higher sphere, where it ceases to be a mere impulse, and becomes a principle of equity as well, is an attempt to restore and maintain the lost balance between the rich and the poor. Its action may be accidental and individual, or systematic and public; it is a moral libration showing the unrest of the world; and any kind of help that does not tend to maintain an equilibrium is so far forth inadequate and injurious. We must give each man the opportunity to secure his balance. We must teach every man to maintain it. Those who fail must be supported. This may seem too much like inaugurating a paternal government, but no government is too paternal that seeks to secure for each man, woman and child the opportunity of bettering themselves. If they fail and fall, we feel bound in charity to help them. Are we any less bound to guard against their failure or fall? We feel bound to purchase the pound of cure: are we not also bound to provide the ounce of prevention? So far as society legislates the disproportion between labor and capital, and thus produces poverty, hardship, hardness and crime, it is responsible for the crime. So far as society helps the strong, instead of a Christ-like helping of the weak, it is responsible for the crimes of that weakness. So far as society does not help the weak by a Christ-like bearing of one another's burdens, it is responsible for certain crimes. So far as society does not restrain the strong, it is responsible for the crimes of that strength. Government exists for the weak.

II. *Whatever induces men to commit crime is a cause of crime.*

Under this head come gambling, prostitution, drunkenness — vices the most fruitful of crime and the most difficult to repress. These are the three great criminal vices; vices, so long as they are private; crimes, as soon as they become public. The difficulty in dealing with them is the difficulty of fixing this boundary line.

Let us first look at the difficulty in respect to gambling and prostitution. Both are occupations of choice, never of necessity. Both are public. There is not a house of prostitution, assignation

or gambling, that is not known to the police. We imprison the vagrant boy and girl for doing nothing, having nothing honest to do. What of the keepers of brothels and gambling hells? Is not the industry of this man and woman far more criminal than the idleness of that boy or the vagrancy of that girl? That boy and girl are on the way to crime — it may be the road leading to those very "hells" — and we make their destination and destiny sure by herding them in a jail full of criminals. The keepers of the bawdy and gambling houses are criminals already, and they go "unwhipt of justice." Is society quit of its duty so long as it knows of houses in which women publicly lure to licentiousness, or men publicly tempt to fraud and robbery? The same principles of legislation apply to the publication of obscene books, prints and papers.

As to that most vexed question of drunkenness. That it is the most fruitful source of crime, no one doubts. It is a public vice. Its haunts are even better known than those of the gambler and courtesan. Can the community do nothing better than license rum shops and then build inebriate asylums? I put these two questions: *is there a single reason for a drinking-house?* An ice-cream saloon or a soda fountain is a luxury, and an eating-house a necessity, but there is not a valid argument of necessity or luxury for a dram-shop; yet New York in 1864 had 21,242, one public drinking place to every 183 of its population. The other question is this: if drunkenness is a crime when it comes before the public, why cannot it be punished as well as theft or fraud, and *in the same manner?* Until a satisfactory answer is given to these two questions, society must be held responsible for the crimes of drunkenness and drinking-houses. Legislative responsibility increases in obligation and delicacy as it approaches the perilous line that divides between private vices and public crimes, but a sound moral sense will help us to find the line and to enforce the law.

III. *Whatever appeals to the baser passions and instincts is a source of crime.*

All the specific amusements of the criminal classes come under this axiom, such as prize-fighting, dog-fighting and cock-fighting, baiting, badgering, ratting and sparring. Debasement and cruelty mark them all, and most of them are known to the police. Why does society mulct these outrages just enough to give zest to their

petrators and patrons? Henry Bergh's interposition to prevent elty to animals points the way in which legislation should move, ugh horse-racing, agricultural fair trotting, etc., show that there et a long way to travel.

V. *Whatever in the administration of justice outrages justice cause of crime.*

The whole prison area needs reformation, from the commitment he prisoner to his release. The incompetent treatment of crime source of crime. Not promptly to ferret out criminals is incomnt treatment; not carefully to classify criminals is incompetent tment; not equitably to punish criminals is incompetent treatit. A just system of prison discipline must secure a classition of criminals and a classification of penalties. It must find line that divides the hopeless from the hopeful. When hope reformation ceases, hope of liberation should cease too. Penalshould be just, rewards generous. The former must commend mselves to the criminal's conscience, the latter to his affections. intrust these important responsibilities to political or perfunc- agents is itself the greatest source of crime among criminals.

'. *Whatever evinces a defective repressive legislation is a cause rime.*

An inefficient, insufficient or low-toned police encourages crime offering large chances against detection. Prevention is better n apprehension. The eye of the police is a greater terror to man who contemplates crime, than a score of detectives after as committed it. This is especially true of crimes of premedion, as compared with crimes of passion. Statistics show that nes against property are four times as numerous as crimes inst persons, and the great majority of them are crimes of ection. Even of crimes against persons, the major part are neditated. Most of them are secret, or depend on skill and ortunity. Cowardice, rather than courage, characterizes most nes. There are twenty petit larcenies to one robbery; seven nd larcenies to one burglary; but even the boldest crimes carry badge of cowardice. The burglar works under cover of night, the robber lurks in secrecy. Inexperience, too, and first mpts mark large numbers of offences. In respect, therefore, he crimes of inexperience, cowardice and reflection, a vigilant sufficient police is more repressive and deterrent than a rous judiciary or a stern imprisonment.

An inefficient judiciary and executive encourage crime by offering chances of non-commitment, non-conviction and pardon. The significance of this remark will be seen when we take the aggregate of the chances of escape from punishment. It is estimated that the criminal chances between commission of crime and commitment are eighty-three per cent; between commitment and conviction five per cent; between imprisonment and pardon, before expiration of sentence, from fifteen to twenty per cent. In the lottery of crime, then, there are eighty-eight chances out of a hundred against the honest community before the criminal is incarcerated, and from fifteen to twenty per cent after he is in prison. It is hardly necessary to say that so many chances in favor of the criminal are so many encouragements to commit crime. These facts give new force to Beccaria's maxim of certainty in punishment. Certainty is of the essence of prevention; it chains the penalty to the crime, and the criminal to the officer who exacts the penalty. One of the chief elements of certainty is celerity. Certainty makes the bond between crime and punishment indissoluble, and celerity makes it formidable. The efficiency of a police system is measured by the proportion between the number of criminals committed and the number of crimes committed. The efficiency of the judiciary is measured by the proportion of convictions to the number of commitments. The efficiency of the penal system by the proportion of released prisoners to the number of recidivists.

The responsibility of society for the causes of crime is very great; the amount of crime is very formidable; but the work of prevention, punishment and reclamation is far from hopeless. Even crime has its compensations. Its area is limited, definite, known. It lies in and about the great centres of population, and along the principal lines of travel and traffic. Its perpetrators are made up chiefly of the ignorant, the idle, the homeless and the friendless. It is found wherever there are grog-shops, houses of ill fame, brutal sports, or betting. The criminal population is fully known to the police—in its practices, haunts and pastimes; in its capitalists, panderers, customers. The known criminal population of England and Wales numbers 134,323, one-fifth of whom make London their headquarters. What is so public, defined and limited must be preventable, punishable and reclaimable.

The harmonizing of labor and capital for the honest poor; com-

pulsory education for the ignorant; legislative control of the idle, the vagrant, the helpless and the deserted; a vigorous and rigorous prosecution and punishment of the capitalists and caterers of crime, and an enlarged and enlightened application of the law of kindness to prison discipline will reduce crime to a minimum, either by preventing its first occurrence; or by converting it to virtue; or, if that be found impossible, BY HOLDING THE CRIMINAL TILL HE RECEIVES HIS DICHARGE AT THE HAND OF DEATH.

XXIV. Convict Clothing.

By Samuel S. Dennison, of Ohio.

The law provides, in a general way, that convicts shall be clothed in *coarse* and *inexpensive*, but *comfortable* garments. The administrators of the law usually lay the emphasis on the former, to the prejudice of the latter, of these provisions.

Election of fabrics of which the convicts' clothing shall be manufactured is left to those who have accepted the responsibility of ministering to his personal wants. The main thing to be kept in view here is the preservation of the health and prolongation of the life of the incarcerated person.

Standing between the law-giver and the law-breaker, we owe to society the exaction of the penalty imposed, and we owe to the convict every comfort, convenience and protection demanded by humanity.

Society does not closely scrutinize the treatment which the convict receives at the hands of his keeper. The public feels that its duty is discharged when the prison gate is closed between itself and the enemy. The law, being general in its application, places the convict within its guarded pale, and leaves him there. He cannot, if he would, offend; nor can he, situated thus, do more than promise. Promises of reformation, on the part of the convict, are often made, and they are *prima facie* evidences of improvement, or at least of a desire for improvement, in character.

Any measure which tends to strengthen character is valuable: a cup of cold water, a pair of woolen socks, a clean shirt, or a comfortable pair of shoes, given to a helpless criminal, may be the rock on which he builds.

The history of the Ohio penitentiary establishes the fact that convicts may be furnished an outfit, including *woolen under-clothing* and other articles conducive to the comfort of the wearer, at a less cost than can an outfit which does not embrace these articles.

During the fiscal year 1861, the "clothing and bedding" furnished to 924 convicts cost the state of Ohio $14,993.40, being an average of $16.22 per man.

During the year named and several succeeding years, the allow-

ance of clothing for convicts did not include woolen under-clothing of any description.

During the fiscal year 1869, when prices had receded to the standard of 1861, the clothing and bedding for 1,068 convicts cost the state $9,420.52.

This was an average of $9.27 per convict, and the records show that, during the year designated, woolen under-shirts were furnished to every convict in the prison and drawers to fifty per cent of them, from the beginning of November until the end of May. Here is an actual saving of $6.95 per man, with an increase of comfort which cannot be estimated in cash.

There is no evidence that under-clothing was either made or furnished by the state of Ohio for its convicts prior to the year 1867. That the want of it was felt previously is evident from the subjoined order, dated September 1, 1864, and promulgated by the warden: "A prisoner is permitted to receive, at one time, through the office of the Ohio penitentiary, if brought to it by a relative, on a visit to him or her," * * * * * * * "once in six months, *dark under-clothing*, as follows: two pairs of drawers, two under-shirts. Clothing sent in excess of or differing from the above will be appropriated to the use of the hospital or destroyed."

One of the results of this order was, that convicts who had relatives living in the immediate vicinity of the prison, or whose friends were able to make visits from a distance to supply their wants were provided for abundantly, while convicts whose relatives were unable to supply them, as is the case with a vast majority of convicts' friends, were left "out in the cold."

The regulation of September 1, 1864, with regard to under-clothing, was maintained, with unimportant modifications, until May, 1867.

An act passed in 1867 debarred convicts from receiving supplies of any kind, from any source, except the state. To bring this change prominently to the notice of the prisoners, article twelve was promulgated and added to the eleven original articles under the caption, "*duties of the prisoners*," in these words: "convicts shall be allowed only such clothing, food and tobacco as are issued in the prison."

This was followed June 3, 1867, with a printed "notice," over the warden's signature, of which, so far as clothing is concerned, the following is a copy:

"*Allowance for each convict.* — One cap or hat, one coat, one pair pants, two hickory shirts, one pair shoes. In the winter season the warden will allow to such as in his judgment require it, a sufficiency of under-clothing; and to each man a vest and socks,"

A new era now opened. Looms were purchased, and presently the "weaver's shuttle" was flying, with its proverbial swiftness, on its errand of economical usefulness. The result of its activity was, that by October 30, 1868, one thousand three hundred and thirty-three yards of linsey had been manufactured, and out of this there had been made 355 undershirts.

In the winter — 1868 and 1869 — under-clothing was supplied to 600 convicts.

In the fall of 1869, woolen under-clothing was issued to every convict in the institution. About the same time, vests and woolen socks were added, all of which were exchanged, renovated and returned at weekly intervals during the winter of 1869 and 1870.

The under-shirts and drawers necessary to the accomplishment of this beneficent provision were made from material woven by convict labor, the socks were knit by convict labor, and all the labor involved in the renovation, handling and weekly exchanging thereof was performed, under the supervision of one officer, by convicts who, by reason of old age, blindness, imbecility or loss of limbs, were unfit for contract labor.

At present prices for material, an outfit, consisting of the following named articles of clothing, can be furnished at an outlay of less than ten dollars per convict, annually, to wit: one coat, one pair pants, one vest, one shirt, one cap, one pair shoes, a weekly change of woolen under-shirts, drawers and socks, a towel, handkerchief, pair of mittens, overalls and over-shirts (for all who by reason of the places in which they work need them), suspenders, hand leathers, and the various *special requirements* of *grinders*, *polishers*, *moulders* and *turners*.

A tabular statement, approved by the warden of the penitentiary and based on the results of three years' carefully kept records, embracing the total annual cost of material used and of labor employed in making clothing for an average of one thousand convicts, affords incontestible evidence of the truth of this assertion.

Concerning the outfit furnished convicts when discharged from prison, a word may not be out of place in this connection, which

it were fit, perhaps, to preface with the remark that the clothing worn by prisoners when received is notoriously bad.

Weeks usually, sometimes months, passed in the county houses of detention, with, in a majority of cases, a scanty wardrobe when arrested, leave the criminal not only destitute of decent clothing, but add, usually, both filth and vermin to the rags he offers to the state as an apology for the suit with which he fain would hide his nakedness.

Nevertheless, the various arts, known and prastised by the tailor, not unfrequently restore these filthy tatters to habiliments which are chosen, if choice be given, by out-going men, in preference to the "coarse and inexpensive" outfit furnished by the commonwealth. The reason of such preference is that there is a sameness, a monotony, in the material which the state selects from which to manufacture clothing for its liberated wards. This objection may or may not be increased, according as the cutter (who is a convict) is possessed of skill, taste and versatility in his art.

This customary suit of sombre jeans, tweed or satinet is a constant reminder to the wearer of the "stripes" for which it was exchanged. The suit is new, strong and durable, but alas, "the trail of the serpent is over it all."

Discharged convicts labor under serious disadvantages, on the occasion of their second advent into the world. A Chinaman, fresh from the celestial empire, is not a more unwelcome acquisition to American society than is this stranger from behind prison bars. There is but one avenue through which he may pass unquestioned, and that is the path which leads to the dram shop, and through it to the "house of her whose steps take hold on hell." Our duty is not wholly done toward the convict when his back is turned upon the prison gate, and especially do we fail when we leave him subject to sinister social influences, from which we may relieve him previous to his liberation. Let us do our part in this regard. A little variety of material, moderate skill in cutting, and a desire on the part of the authorities that discharged men may be fitted out in suitable and seasonable apparel, will accomplish this laudable intention.

The object aimed at is one which involves, to a great extent, the success of every discharged convict in his effort to take a respectable position in society. Let me not be misunderstood. Nothing is further from a true philanthropy than pandering to the vicious

pride of the convict in regard to dress. Flashy raiment should be studiously avoided. There is, however, a difference between a neatly fitting, tidy coat, manufactured from material of a tasteful pattern, and the gaudy, peacock style so prevalent at the present day among fast young men who, perhaps, are cultivating thus a taste whose indulgence will eventually conduct them to a place where a plainer style of dress is in vogue. Let us choose this happy medium and use it as one of the many instrumentalities whereby a commendable self-respect may be fostered in the breasts of discharged convicts.

We are steadily approaching the admission that the convict is a reasoning and therefore may be a reasonable man — reasonable in his desires, aspirations and aims. This point once gained, the problem of his reform and elevation in the mental, moral and social scale approaches its solution.

XXV. The Question of a Prison Newspaper.

By Hon. Jos. R. Chandler, of Pennsylvania.

The question of a paper or gazette for prisons has been considered worthy of a special thesis, as including a proposition for ameliorating the condition of prisoners, and hence entirely consistent with the views of those whose charities are specially exerted in behalf of the incarcerated, and who look to this convention for the enlargement of existing means by the proposal of new plans of doing good in that direction.

The importance of the end proposed justifies the inquiry whether a paper for prisons should be established, and if so, how it should be conducted.

Is the establishment of a gazette for the special use of prisoners practicable? and, if practicable, is it desirable? Can the work be accomplished? and if accomplished, will it promote the great object in view?

The proposition should, for the sake of proper consideration, be presented in a different form. Can a newspaper, specially designed for the use of prisoners, be made of considerable moral use? If so, it ought to be established by any available means, and sustained at any cost. There can be little doubt of that, and as little that it would be established and maintained.

If these good results cannot be hoped for, then it seems equally plain that the labor and expenditure necessary for such an undertaking should be transferred to some other branch of the good work of those who stand pledged "to ameliorate the condition of public prisons, and alleviate the miseries of the prisoners."

The wealth of philanthropic zeal with which so many are endowed, great as it is, should be economized. There is a waste of philanthropic efforts that is as injurious to the great and good objects proclaimed as is the rash expenditure of fiscal means on undertakings which look to future schemes of profit. Plans should be suggested with great prudence and weighed with mature judgment. That which at first blush promises a general good may be so conducted as to lead to that amount of individual evil that shall eventually work out permanent and extensive injury to the whole. "Prison literature," that is, the literature produced

in prison and emanating thence, has, perhaps, been among the most beneficial that is extant. The "de profundis" of the royal poet may not have owed its melancholy pathos to the grated window of a cell; but David suffered confinement before he wrote his psalms. That Jeremiah wrote his lamentations in the dungeon into which he was lowered is scarcely probable; but it is not improbable that a sense of his "separate and solitary confinement" influenced the composition of his most pathetic complaints. John the Baptist, perhaps, did not write much in his prison, but certainly he maintained moral truth therein, and was made to suffer for his zeal in behalf of public morals. John the Evangelist wrote his Apocalypse on the penal island of Patmos; and, overlooking the thousands of elder times that are recorded as assisting the truth in the prison cell, we find Grotius, in Holland, occupied with his pen in prison; Tasso wrote from his prison in Ferrara; and perhaps, without a prison, the world would never have had the delight and the instruction of Bunyan's Pilgrim's Progress. Men seem, like certain herbs, to emit their sweets only as they are trodden on; and the prison and the dungeon are the alembics in which are distilled, and whence flow, the richest and most exquisite emanations of the human mind.

But the literature *of* prisons is not the literature *for* the prison. The crushed heart that gives out its richest sweets may need that medicament to heal its wounds; but vice and crime demand something for their cure different from that which sorrow and oppression have wrung from the innocent sufferer.

A newspaper, such as is read in the principal cities of our union, is what every prisoner craves, and is that which he urgently solicits from his keeper; it is that which he most earnestly desires his visitors to bring him. The strong desire of every man who can read to have a newspaper, the unfailing indulgence of every one in the luxury of a newspaper, until that luxury becomes a necessity, seem to justify the idea that a paper is a desirable, almost a necessary, means of reaching the affections, and thence the conscience of one who is suddenly and temporarily withdrawn from social intercourse, without any diminution of interest in social life; with no diminution, indeed, except that of the liberty of sharing in or enjoying social intercourse.

The papers which men ordinarily take are those that promulgate and sustain some opinions in which they have interest; or some

dogma to which they give assent; and they find pleasure in reading arguments and statements that are concurrent with their own views and tend to give them confidence in their opinions. These are in general more concerned in strengthening than in correcting their belief; more pleased with a writer who supports, than with one who purifies, their views. We say not that this is wrong. Men can have little enjoyment where they have an unstable political creed, and though all else should be sacrificed to truth, yet, with men's attachment to creeds and opinions, it is difficult to convince them that any sacrifice is required. Hence, even the religious and political press fail of one great result; they strengthen existing opinion much more frequently than they aid in inducing a change. They do not liberalize the mind and prepare it for the truth. They rather strengthen attachment to a supposed truth, or an admitted apothegm. The press, active as it is, it may be feared, fails of the usefulness of which it is capable; fails, perhaps, by the very activity of which it boasts and for which it is so remarkable. But the papers will be sustained, because men will take them and pay for them; and those who write for the public press must discuss that which does and will exist. The question is not, "Shall there be a press?" That is settled by the press itself — showing that its own existence is a necessity — showing that opposition would not destroy it.

The question is: "How may the press be made a means of continual general good? and what is the discrimination by which it may be made ministrant to individual advantage? How may it be accommodated to particular circumstances that are not connected with the ordinary conditions of society, so that certain classes may profit most by its power?"

The inquiry now proposed is the advantage of a newspaper for prisoners as a means of improvement while in prison.

We see that the public press, as the newspapers are usually denominated, is not calculated for all purposes, all associations and all objects. We see proof of this in the obvious fact that a large number of secular and religous denominations, philanthropic and scientific combinations, are not content with the "general newspaper." In the case of science, it may be said that the columns of a newspaper are so filled with petty political argument and business statements, that there is not sufficient space for the scientific articles that interest a certain class. That is true

with regard to science, and partially true with almost every other matter that occupies almost exclusively the mind of classes of inquiring men, so that we may remark that the idea of exclusiveness has such possession of the people that it seems almost impossible to satisfy any man without a constant ministration to the particular scheme toward which he has a ruling proclivity. A "paper" that deals with things in general, does not meet the approving support of such a person, and a paper that deals only with what alone occupies his thoughts is that alone which he thinks worthy of encouragement. A few others unite with him in views and in support of a separate paper, and a feeble addition is made to what is called the press of the country; the little strength which it has is drawn from the vital support of the general press; and two sickly papers enjoy the sympathy and support of a small community that might otherwise be amused and instructed by a wholesome sheet, that would mingle the news of the day with the essay of the moralist, the politician, the merchant and the man of science, referring the reader who needed additional knowledge to the library; now, alas, too generally neglected for the washy essays that treat of subjects as if a single day was all that any man had to give to any one subject.

We have lately heard a person state that he had "done Europe" in six months, and there are people who imagine that they can *do* the whole circle of science and the higher arts in six months, and reduce the contents of massive tomes to half a dozen newspaper essays. We may thank the man that by labor and devotion simplifies any science, and shows its adaptability to practical purposes; he is a public benefactor; but the simplicity that is to be useful is obtained rather by amplifying than by shortening the process, and, while an essay may awaken a good appetite, it does harm if it satisfies that appetite. But is a paper required for the prisons? or will a paper be useful to the prisoners? for if it will be greatly useful, then it is greatly necessary.

We will not now discuss the question whether the ordinary newspaper of the day is calculated to do the good desired and proposed; we think it would not be beneficial; we speak generally, not doubting that there are exceptions, especially when the character, attainments and plans of the prison, as well as the character and contents of the paper, are considered. But, unfortunately, most unfortunately, the whole of the newspaper press is not what it

ought to be, and certainly the mind of the prisoner is not, in all cases, in a condition to derive moral profit from the discussions and statements of facts in the public press. The very truthfulness of the newspaper may be a reason why it should not find its way to a prison cell, when that truthfulness consists in the exactness of detail of the multitude of crimes which press for record in the public gazette.

It is now some time since the authorities of our cities forbade the public sale of certain newspapers that dwelt chiefly on the doings of the police and on the details of the crimes which gave employment for the police and piquancy to the paper. Yet these special magazines of crime told little more than will be found in the statements of crime and legal reports of criminal cases that appear in some of the daily papers. The difference is, that the daily issues of the paper generally allowed space for the criminal record and the news and comments of the day; while the hebdomadal sheet that would report all the crimes had no space for other matters. The disgusting details of vice and licentiousness in the daily papers were relieved by political discussions and items of ordinary import, while, in the weekly, the whole was one unmitigated mass of offensive detail, that blunts delicacy in the young and encourages indecency and crime. The daily paper is now generally discountenanced in our prisons, though certainly there are papers which should be regarded as appropriate visitors to the prison cell; but the rule is generally obeyed. If the dailies are thus excluded, then the weeklies of the class to which we have referred must *a fortiori* be prohibited to the prison.

Here, then, are two classes of papers; the regular, well-conducted secular, and the specially exciting weekly, both of which are prohibited admittance.

It naturally occurs to almost any one that there is an alternative; there are religious papers of almost every denomination; and however people may differ about the dogmas which they propound and defend, no one will say that they are not earnest in their denunciations of vice and crime, and pleasing and attractive in their advocacy of propriety and virtue. The religious press, then, it would seem, is the desirable means of amusing and instructing the prisoner. Its columns are little defiled with records of crime, or the more perilous record of the trial of the criminal; hence, religious truth may be conveyed to the cell of the convict, and the

sermon that edified an attentive congregation on Sunday may be made a useful lesson, the next week, to the inmates of the prison. So that not only may "the poor have the gospel preached to them," if they will only attend divine service on Sunday, but the reverend orator will, by the aid of the press, go to "preach to the spirits in prison."

The religious press generally, respectable as it is in this country, would seem to be the fit means for reaching the heart of the convict, when he is separated from all other moral instruction, and, with one exception, that means would seem to be acceptable, and therefore worthy of adoption and enforcement.

That exception deserves consideration, and we will look at it with a view of securing to the great object — "prison instruction" — a most powerful auxiliary. The religious papers are religious — that is, they are, as their name generally imports, partisan papers. The Episcopalian, the Presbyterian, the National Baptist, the Methodist, the Catholic Standard, etc., etc., are distinctive titles; while others contend earnestly for dogmas and rites under some name which is less expressive of the tenets of the writers and the special end to be produced. Certainly the tone and temper of some of these religious papers are not so expressive of the charity and meekness of christian love as could be desired; and if one may differ from another in its tone and temper and its terms of denunciation, it often happens that the difference is only in the character of the instrument, not in the object; and the sharp, clear cut of clerical satire, poisoned with the ointment of great historical research, is used instead of the coarse saw-like tearing of conventional vituperation, made less endurable by the ignorance of the character of the facts and the origin or true application of terms. These and such matters, while they please (they will scarcely instruct) the class of persons that hold opinions thus oppositely defended, must be irritating and offensive to those who have no interest in the discussion, or who may hold the opinions that are offensively discussed.

The religious press, as now conducted, can scarcely be considered a likely means of amending the morals of the convict, by securing a valuable and profitable regard for the teaching of those great principles which certainly lie at the foundation of all morals.

The political press, we have shown, is liable to great objection

means of improving the prisoner; and the portion of the
that makes a specialty of what constitutes much of the evil
ıe general press, cannot, certainly, be regarded as supplying
ctive means to the prisoner, or furnishing his mind with the
of pabulum that is suited to his mental and moral wants.
then, a newspaper, a periodical, is necessary for prisoners,
no existing publication can be trusted in its present form, it
vs that there should be a paper specially adapted to the wants
isoners; and that is the proposition to be considered in this

one, we think, can fail to desire the establishment and use
ɜans to ameliorate the condition of the prisoner, to encourage
guide inquiries into the cause of his present condition and the
iar character of his own mind, and what renders him, more
some others, liable to fall into the snares that lie along the
ray of life; and, pursuing the inquiry, it would be a beauti-
ldition to existing means of good to have encouragement to
ıdment accompanying the evidence of misdeeds, and the
bility, nay, the probability, of these resolutions of amendment,
carried into action, working out a better future than was
ipated even before the error or crime was committed. And
opes of success would be stronger if the means employed to
ıce these results were those of modern use, with "modern
ovements," and if the great lever for lifting the public mind
asses could be applied to individuals, or rather to classes of
iduals.
ıe likes to see a general harmony in the efforts and instru-
s of public benefit, and the press that so affects all free insti-
ns would be hailed with new acclamations, if it was seen
ing where liberty is lost by crime, and isolation is the recourse
olated laws.
e press, then, is the great and evidently the favorite means
ıproving the prisoners. And as we have seen the objections
ıat is regarded as the general and even the religious press,
as a special paper seems to be required, two points suggest
selves for consideration.
n a paper, specially adapted to the wants of prisons, be had?
her words, can any man, or set of men, adapt a periodical to
ants of prisoners? Can they make it so universally accepta

ble as to be universally or generally read in the cells? If that can be done, we say, let it *be* done.

The advantage of such a paper must be almost incalculable as a common channel of information; a common means of reaching the consciences of the tenants of prisons; a common form of expression for their sentiments, purposes and hopes.

Now, we know, that the success of a paper must chiefly depend on the conductor. We know that as many papers succeed with illiterate conductors as are kept alive by educated talent; but we know, further, that the success of the former is due to the ignorance of their readers, who find their own ideas set forth in their own language, and patronize what seems of their own rank. Even in that case, the success of the ignorant conductor is dependent upon the sympathy of his patrons; he has narrow views and limited attainments, and hence commands the attention of those who are in the same condition.

Sympathy, then, is one great bond between the writer and the reader; and whenever success follows efforts such as those we now contemplate, it must greatly depend upon the absence of all points that touch wounded pride or disturb established views. Ignorance is not an ingredient of objective success; it is only the ignorant writer himself that profits by the stolidity. He who would hope for success in efforts to improve the ignorant must have knowledge of the character and extent of that ignorance and of the means by which are to be secured that attention and that confidence by which information is to be imparted and improvement insured; and he must not jeopard his plans of success by arousing suspicion of sinister aims, nor awaken jealousies by offending the uninvestigated tenets of religion which the pupil holds for future use, but which he does not pretend that he has ever yet brought out for present use.

A large portion of the dogmas of sects are held or admitted by a vast number, who have little idea of their bearing on the actions of life. They perhaps postpone an inquiry into the correctness of these doctrines until circumstances shall render it necessary to direct or defend some action by these requirements. More frequently the dogma is held because it belongs to a creed into which the professor was born rather than educated, and he neither seeks for nor denies exposition or defense. In these and all similar cases, the holder is usually tenacious as to his articles of faith in

proportion to his ignorance of its character and requirements, and he becomes noisy and turbulent in its defense in proportion to his lack of argument.

Now there are people who think that the convict is a man who is wholly given up to plans of crime, and that he has no idea of action beyond that of putting those plans into execution. This sort of character has certainly some representatives in the cells of the penitentiaries, but they constitute a very small portion of the whole number. Others appear to regard convicts as ready to be moulded to moral uses, and to have no regard as to instruments and means. Certainly there are men and women in prison who are of the passive kind, and who owe to that passiveness the crime for which they suffer. A different association would have led to different results; had they fallen into the hands of good people, those hands would have moulded their passive qualities into a sort of negative goodness; they would have been saved from the prison for want of any willful violation of the law, but they never would have risen into any credit for positive virtues.

These kinds of persons do certainly exist in the prison, and they serve, in the estimation of certain visitors, to give a character to convicts generally; but the great mass of convicts have neither the qual ities of irredeemable vice nor the passiveness of total indifference They are generally men with some ideas of means and ends, men of ability to calculate, and often with the ability to understand that vice and crime "do not pay." They know what *would* pay, but they do not know where to begin; where or how to get the first grain of confidence so necessary to any enterprise; where to place the lever with which they feel that, upon such a fulcrum, they could raise, if not the world itself, at least themselves into the world. They lack patience in the work of reformation; they lack confidence in the kindness of others; and, not without some reason, they lack confidence in their own resolutions.

These prisoners have to be dealt with, and one means suggested for consideration is a paper — not a political paper, not a general newspaper, not a religous periodical, but one specially devoted and adapted to the convict.

I have already said, in one of the opening paragraphs of this essay that "a newspaper is what every prisoner craves." I have, further, pointed out the objections to which both the political and the religious newspapers of the day are open, as vehicles of infor-

mation and instruction to imprisoned criminals. The controlling objection to the former is the detail of crime and criminal trials with which they are burdened; to the latter the dogmatic and partisan character commonly, if not universally, impressed upon them. Now, what is wanted for the class of persons in whose behalf this essay is written, is neither a political nor a religious newspaper, in the technical sense; but a paper which shall give the current news of the day in a terse, telling, picturesque style, with all corrupting and therefore all objectionable details eliminated; and which shall embody and set forth, with suitable illustrations, and with enforcements drawn from actual life, those great, fundamental, universal principles in religion and morals, which are common to all churches and all sects that receive and reverence the scriptures as the word of God. What is wanted is a newspaper that shall be, on the one hand, an auxiliary to the schoolmaster and the library, exciting and stimulating the appetite for useful knowledge; and, on the other, an aid to the chaplain, enforcing his moral lessons by pithy arguments and apt examples. It must be confessed, however, that for neither of these ends is a newspaper absolutely essential to prisoners, though highly important in both relations. Still, all the objects to be accomplished in these directions through the establishment of a prison newspaper may be attained by other agencies — the school, the library, the lessons of the chaplain, the religious tract, and the efforts of pious men and women who, like John Howard and Elizabeth Fry, volunteer their services for the convict's benefit. But there is one end that cannot thus be secured, and that is the supreme *raison d'être* — the final and controlling argument — for the prison newspaper. It is this: A knowledge of passing events, of the questions and strifes that enlist men's tongues and pens, of the habits of thought and action inwrought into the life of the hour, of the opinions that prevail in society, of the principles and modes of business and labor — in a word, contact of some kind with the living world is essential to fit any man to enter successfully into the keen rivalries that mark the civilization of this busy, bustling, progressive age. A man without this knowledge would be as unfit for the rough encounters of actual, daily life in existing society, as Rip Van Winkle was for the scenes that met his astonished gaze after his twenty years' slumber in the Catskill mountains, during which America had passed from a colonial existence under the British crown to an independent nationality as

a free and sovereign state. And, in point of fact, Rip Van Winkles are emerging from our convict prisons every day in the year.

How, then, can it be expected that a prisoner, with the outer world as completely barred and bolted against all mental access on his part, as his body is securely encased within his cell, will be prepared to enter successfully into the battle of life, on his liberation from the more than cloistral existence of the prison? A carefully, skillfully, ably edited newspaper, made up with special reference to the prisoner's circumstances and needs, would go far to meet this want and qualify him for a return to the world. This suggestion I cannot but regard as of vital importance; for a man, removed for a term of years from all active participation in the affairs of society, must have some means to enable him to keep pace with passing events and interests. It must, in the nature of things, be difficult, if not impossible, for any one, after the seclusion of a long imprisonment, to succeed in the sharp competitions of life in our day; and it would seem nothing less than an obligation, due from society to the convict, to fortify his purposes of amendment by such a knowledge of the world and its affairs as may be requisite to his success on leaving the inclosure of his prison-house.

As regards the religious and moral lessons conveyed by the proposed gazette, they must be of such a character and conceived and set forth in such a spirit, as not to wound the conscience or offend the taste of any prisoner. Nor, indeed, is there any necessity for this. I would say to the conductor of the prison journal: Treat with the prisoner as if he had foundation for treaties; treat him as if he were worth saving; treat him gently with regard to his past offences; treat him prudently with regard to his established opinions; treat his weaknesses with forbearance; treat his prejudices with consideration; treat even his superstitions as if they had some foundation of truth.

He will listen to persuasions thus introduced. Do not place between yourself and the object of your solicitude the barrier of ridicule or denunciation; do not startle him with any attack upon the creed to which he professes to feel himself attached. If he is worth saving spite of his prejudices or his superstitions, he is worth saving at the cost of some prejudice and a little fixed opinion on your own part. "He is," you say, "on the very brink of destruction, tottering to his utter ruin." Then do not startle

him; do not make him fall; but lure him back by gentle concessions. When Luceppa lifted up her eyes, she saw her darling child sporting on the brink of a rock which, at a perilous height, hung over the sea; she felt the danger; she knew that to call the darling by name would insure his destruction; she forgot every thing but his peril; she forgot her maternal dignity, wounded in the disobedience of her child; she sought no re-establishment of power; she wished only the salvation of her infant; and so, kneeling at a distance, she bared her bosom, and the little one crept back to her, and nestled near her heart.

XXVI. Confidence in the Inmates of Reformatories as an Element of Success.

By Brother Tellow, Rector of the Boys' Catholic Protectory, Westchester, New York.

Gentlemen: We regret our inability to be present at your national congress, but we hope your philanthropic mission will nevertheless be fruitful in behalf of poor, fallen humanity.

By your proposed programme, we learn that numerous subjects are under consideration with a view to our mutual instruction. Allow us, then, to lay before your honorable body a short sketch of our experience among juvenile delinquents, and the success which has attended our labors during the space of seven years.

Mutual confidence between the officers of reformatories and their inmates as an element of success in the treatment of the latter.

1. *In what this confidence should consist.*—The confidence which we here advocate as being an essential element in the great work of the reformation of young delinquents should be two-fold; confidence on the part of officers in favor of the subjects committed to their charge, and a corresponding sentiment of these latter toward those placed over them.

Believing that every human being is endowed with some good quality, some redeeming trait of character, we deem it the primary duty of those who are called to the great task of the moral reformation of others to take such good qualities as they discover in those under their charge as the ground of their confidence in them.

Hence it does not suffice that good qualities be discovered in those who are subjects for reformation, or that those qualities be acknowledged or noticed in passing. They should be taken into account, and the subjects of them ought to be made to feel that the good which is in them is not passed by unheeded or unforgotten.

A word, or even a look of approval, at a favorable juncture, may prove to be the first link in an entire chain of effective correction. And as time goes on, and the wise mentor perceives the beneficial effects of that confidence, he enlarges it, passing from words of

approval to acts of trust or confidence in, and suitable recompenses bestowed upon, his ward. So that, in the course of a few years, the child grows up to be a young man experiencing the satisfaction derived from a good and honorable course; he has well-nigh forgotten his former evil propensities; or, if he remembers them, it is only with regret for his previous evil condition. In this way the good is cultivated and perfected, character and noble manhood are built up, while the evil is crushed and made to die out. We would not have it understood here that misdemeanors or transgression of rules on the part of inmates would be allowed to pass with impunity; by no means.

We would have the offenders checked, called to account, made sensible of the grievousness of their fault, and, according to its gravity, we would subject them to some reasonable privation, or deny them the enjoyment of some special privilege. Yet we must confess that we count more upon means taken to encourage good behavior and honorable deportment than upon any amount of repressive discipline.

It will be readily conceived that such a course as we advocate on the part of the officers cannot fail of begetting a corresponding confidence on the part of the subject. This is but the re-action of the treatment received, and goes with it hand in hand, progressing and expanding proportionately with it. When the youth sees that his efforts in the right direction are appreciated, and that a kind, solicitous hand is helping him forward, and when he begins to feel the satisfaction which progress in good always carries with it, his finest feelings of gratitude to his benefactor will spontaneously flow from his young heart, and hopeful anticipations of the future light up his youthful breast. He is willing and ready to make many little sacrifices and undergo many little privations in the accomplishment of duties assigned him. When checked for his short-comings, he still feels that he is not crushed, and thereupon resolves anew for the future. Might it not be said with truth, that the future of many a youth who was good in the main, but who, on account of venial transgressions, was too harshly dealt with in the beginning, became reckless, lost every good and noble aspiration, and abandoned every effort of bettering his moral condition.

2. *What means should be taken to secure it.* — There are certain conditions, without which it would be next to impossible that such

a confidence as that which we advocate could be fostered or maintained. The first and most prominent of these conditions is unity of sentiments, of conviction and of purpose, reigning throughout the institution. This necessarily and primarily applies to the religious convictions of both the authorities and the governed. Hence we deem it of paramount importance that heads and officers of reformatory institutions find, in the subjects committed to their charge, the same religion as they themselves possess. Whenever and wherever such is the case, a great obstacle in the way of successful correction is removed; all grounds of hostility, on the part of the inmates, in this respect, toward those who are placed over them, are done away with. The delinquent beholds in his corrector no other than a charitable and earnest mentor, bent on the correction of his vicious propensities, without seeking to warp or change his religious convictions.

Surely, an officer, charged with so serious and difficult a task as that of moral correction, will find enough to do in order to accomplish his task, without having to cope with the religious convictions of those submitted to his treatment. What we are now advocating in this particular is not a theory or speculation; it is the experience of seven years of our humble efforts in the protectory, organized for the reformation, training and support of the destitute catholic children of the city of New York.

Reformatory institutions, according to our view, should be formed, as much as possible, on the plan of a well-regulated family, whereof the heads sympathize with the members on all points, save that of the delinquencies of the latter. "Unity is strength," and the more it prevails in institutions of the kind under our consideration, the greater hold does it give the officers upon those under their treatment; consequently, the greater are their chances of success in the arduous task they are called on to accomplish.

Nor is the advantage derived from such a system of unity confined alone to the officers and inmates of a reformatory institution, but it places the institution itself before the state and the world in that honorable attitude which it should hold, viz.: that of non-interference with the religious convictions of its inmates. It would thereby stand acquitted of the odious charge of proselyting its inmates; whereas its professed object and mission would be seen to be rather their moral and social elevation. In confirmation of what we have just stated, we might be allowed to quote here an extract

from an able lecture by Dr. L. Silliman Ives. "The society for the protection of destitute catholic children has shielded itself against the temptation to proselyte children of other denominations by not receiving them, except in cases when the police magistrates may pronounce them destitute of friends and kindred; for, however important we may think our religion for every child, we feel that the right and responsibilty to direct the faith of the child is, first of all, with the parent, he being the priest in his own family, and then with the church in which he or she belongs. By acting upon this principle, we avoid all unjust interference with parental claims, or with the great guarantee of our government, which secures to every one under its protection the right to worship God according to the dictates of his own conscience." This does not exclude children of other denominations, when parents or guardians desire their committal to our institution.

In support of the system which we are now advocating in favor of reformatory institutions, we might mention an instance of its practical working, as exemplified in the schools of Prussia, where it gives unqualified satisfaction to all parties. Educated ourself in the Prussian schools, we advert with more pleasure to this system, which we hope ere long will be lauded in the land of our adoption. Victorious Prussia owes more of its present success to its perfect school system than to the invention of the needle gun and its military system.

In the next place, distributive justice and impartiality on the part of officers must ever prove a powerful auxiliary for creating and maintaining that desirable confidence. This it is that regulates the treatment of inmates by their officers in such a way that the same course which is pursued in the case of one is adhered to essentially in the case of others, other things being equal or nearly so. Here it is of great consequence that the governor avoid acting on the spur of the moment through humor or fancy, and that he guard against being incited by some unruly passion. Young people, notwithstanding their want of experience in matters that pertain to riper years, are generally found to be excellent judges when injustice and partiality are practised upon them. Whenever they perceive such to exist, they fail not to render a verdict of condemnation in their own mind, as well as in presence of their equals; the authors thereof soon sink in their estimation,

and distrust and discontent on their part is the inevitable consequence.

Closely allied to this distributive justice is another quality, highly requisite to the promotion and maintenance of the respect and confidence which the inmates should have for the officers: we mean uniformity and consistency of action. When inferiors behold their superiors the same to-day as they were yesterday and the day before; when they receive from them the same treatment, and witness in them the same uniform line of conduct, day after day; they instinctively yield that degree of respect and confidence which their position demands, and of which they have rendered themselves worthy. Whereas if, on the contrary, the inferior finds that he has a sort of a man to deal with to-day different from that of yesterday, and that he will, in all probability, find another change to-morrow, he becomes dissatisfied and disgusted, and will, in the end, despise both the efforts made with a view to his reformation and the person who makes them.

Good example on the part of the superiors, too, acts most powerfully on the inmates, and is one of the most efficient means of winning their confidence. In vain would an officer inculcate to those under him maxims of charity, truth and morality, if he himself were at times hard-hearted or indifferent to their little wants and miseries; if, to their just and reasonable appeals, he would turn a deaf ear, or view their little trials and crosses with a cold, indifferent air; again, if dissimulation was perceived in his dealings, or if, in fine, there appeared aught censurable in his conduct toward themselves or others. Very much, too, depends upon the orderly and systematic management of the various departments, according to the wants of time and place, in fostering and securing confidence. When the inmates perceive that matters connected with their health and comfort are anticipated and attended to in due season, gratitude, satisfaction and confidence on their part is the result.

3. *Our principles exemplified by our past experience and present condition.* — Having thus far stated our principles and system of action, we consider it due to the subject to substantiate our thesis by presenting a real and actual evidence of its practical workings. This the more readily as, having been charged with the rectorship of a reformatory institution for the last seven years, our experience has necessarily been of a thoroughly practical nature.

The protectory came into existence in the spring of 1863, and owes its origin to a few influential catholic gentlemen, at the head of whom was Dr. L. Silliman Ives. Being, in company with our late illustrious archbishop, at a dinner, their conversation turned on various topics, one of which was that of the forlorn and pitiable condition of the destitute catholic children of our city. So powerful was the appeal made to the charity and benevolence of these gentlemen by the bare recital of the misery and wretchedness of that poor, unfortunate class, that the organization of an institution to remedy the evil was forthwith resolved upon. But here no small difficulty presented itself: Whom could they intrust with the important and arduous task of superintending and directing it in all its practical daily details? This desideratum was cordially supplied by a prominent christian brother, who was present on the occasion, and who pledged himself to use his utmost influence with his superiors to that effect. Encouraged by so auspicious a prospect, the above-mentioned gentlemen at once put their shoulders to the wheel. Then and there they subscribed from five hundred to five thousand dollars each, as a permanent fund for the erection of buildings. This was a good beginning. Thenceforward meetings were convened to lay the matter before the state legislature. The untiring and disinterested efforts of the good Dr. Ives were crowned with success. On the 14th of April, 1863, an act of incorporation was secured for the institution, under the title of the "society for the protection of destitute Roman catholic children in the city of New York."

A constitution and by-laws were subsequently adopted, and a board of managers and other officers duly elected. In the mean time, satisfactory arrangements were made with the superior of the christian brothers, and three members were detailed for the practical part of the good work. A couple of ordinary dwelling-houses in Thirty-sixth street, on the eastern side of the city, were selected and taken possession of temporarily, until such time as suitable buildings could be erected.

Such was our humble commencement of active operations, such the cradle of our institution!

A few days sufficed to fill our limited space with poor little unfortunates, from seven to fourteen years of age, gathered in from the streets of our city. Untold difficulties and discouragements beset us on every side. We may be said to have com-

menced the work in the midst of privations, want, sickness and other trials, against which we had to contend for the space of one year in the house in Thirty-sixth street, and two years longer in a series of tenement-houses in Eighty-sixth street, whither we had to remove on account of the increasing number of our inmates. For our daily subsistence we were depending entirely on the charities of the friends of the institution. This much was done for the male department. In the meantime, the society made satisfactory arrangement with the superior and sisters of charity in favor of the female department. The good sisters began their part of the work much in the same way as we did, and under even greater trials and crosses than our own. But to return to the male department: during these first three years of our existence, we passed through such an ordeal of trials and tribulations, that not a few who had espoused the good cause were on the point of giving it up in despair; sorely harassed for want of sufficient house room and the necessary conveniences for cleanliness and order; unprovided with the requisite bedding and garments, the consequence was disease and infirmity. The most appalling crisis was in the autumn of the second year; typhus fever broke out among us, and spread to an alarming extent. Out of 300, which we then numbered, 140 were attacked within a short period.

We had forty-two cases of it in bed at once. It carried off one of our brothers, two nurses and our tailor. Of the children, we did not lose a single one. To so dreadful an extremity were we reduced, that it was impossible for us to obtain other nurses. In our forlorn and desperate condition, we struggled on, comparatively alone, hoping against hope; when it pleased kind Providence to come to our rescue. Never shall we forget when the good Dr. Ives offered us his personal services in behalf of the sick. The epidemic at last abated, and returning health revived our drooping spirits.

We likewise encountered no small difficulty, from the very beginning of the work, in the reckless character of some of the youths then confided to our charge. Many of them had contracted so inveterate a habit of roaming through the streets and thoroughfares at large, that it was next to impossible to retain them within the walls of those tenement-houses, which were but ill-adapted to our purpose. Time and again did some of them effect their escape from the second, third and fourth stories, and some-

times even from the top of the houses, at the peril of their lives. We soon perceived, too, their extreme aversion to any thing like books or study. Hence, we conceived the idea of introducing trades into the institution, believing that such an undertaking would have the effect of settling those unstable spirits. We were not disappointed in our expectations, as will be seen in the sequel.

Five years ago the society purchased a farm in Westchester county, our present location, and had buildings immediately erected upon it. A few months after, we took possession of this, our new home in the country, and commenced a series of improvements in every department of the institution, which we have continued up to the present time. The main building of the institution is a splendid brick edifice of a peculiar style of architecture. It is 228 feet in length by from 53 to 113 in breadth, is four stories high, with basement, and set off with mansard roof, spires, pinnacles and turrets; the main spire rises to the hight of 225 feet from the ground. The noble structure, with its counterpart, the new building of the female department, stands unrivaled by any edifice of the kind in the country. It was erected, within the past year, by the managers of the society, and will soon be ready for use.

In the mean time, our efforts in the moral regeneration of our young charge have not been abated, and the improvements we have made in that direction have fully corresponded with those of a local or material nature. Having based the mode of our treatment upon principles of honor, justice and confidence, as recommended by religion, our humble efforts have been crowned with the most gratifying success. With a view to counteracting the wayward and reckless proclivities of the youths intrusted to our charge, we introduced the trades among them at a comparatively early period of the institution's existence, and, necessarily, under great disadvantages for the want of sufficient space and other necessaries. We soon discovered the immense advantage to be derived from allowing the most industrious of them, as a reward, a portion of the profits of their labor. We first introduced tailoring, and, shortly afterward, shoe-making, which latter proved the more advantageous, as it gives employment to a greater number. In the course of time, hoop-skirt making was introduced for the junior portion. In our present location on the

farm, we employed some of the boys at farming and gardening, and others in the carpenter shop, bakery, laundry, and other departments. Such a system, adopted as it was in the beginning through necessity, has been attended with the happiest results.

Our institution, numbering at present over nine hundred boys, counts something like seventy-five in its senior department, which is composed of youths varying from fifteen to nineteen years of age. Mutual confidence existing between ourselves and those young people, we do not oblige them to the rule of inclosure; but, at the same time, they are never allowed in a body beyond the precincts of the institution without being accompanied by a brother. They have a share in the profits of their labor, whereby some of them earn for themselves, respectively, from five to twenty-five dollars per month. The institution places their accumulated earnings in bank, and disburses to them according to their personal wants in the way of clothing and pocket-money; for the latter purpose they generally draw from fifty cents to a dollar per month. They purchase their own clothing, and dress according to their own taste and judgment. Many of them, on leaving the institution, had accumulated as savings from $50 to $200.

We never countenanced the contract system, by which the inmate is sunk to a condition next to that of slavery.

The principles upon which we have acted have proved beneficial in various ways. When, at times, some of the inmates premeditated absconding from the premises, their better disposed companions either dissuaded them from it, or, if the former had already made their escape, others being found sufficiently trustworthy, were sent in pursuit of the truants, whom they overtook and brought back in triumph. We frequently intrust youths of the senior department with teams, and send them to the city, or elsewhere, with orders, which they generally carry out to our satisfaction.

Moreover, the system has invariably enlisted the interest and good will of these young people in the welfare of the institution, as, in cases of emergency or accident by fire or otherwise, when they were ever ready to lend a helping hand.

We have, as yet, made no special mention of the schools of the protectory, it having been our aim rather to set forth the principles that have guided us in our endeavors to accomplish the

object for which the institution has been called into existence. From the very first day of our experience we were convinced that something outside the schools had to be provided; something whereby to remedy the then crying evil; something to overcome what we saw and felt to be the greatest obstacle to the success of our mission, viz.: the wayward and restless disposition of the young delinquents. We felt that something had to be done in order to endear the institution to those young lads; and, when that was once secured, we might then profitably and satisfactorily pass to other details for the further amelioration of their moral, social and religious condition. This we are endeavoring to illustrate by a fair statement of the practical working of our protectory in its principal details.

The school department, which always constitutes an integral part of reformatory institutions, is necessarily coeval with the protectory itself. In it are taught the ordinary elementary branches of an English education. Besides which, we make it a point to give them solid, practical religious instruction in the christian doctrine. Our 900 inmates are at present divided into eleven classes.

Vocal and instrumental music has been introduced with a very beneficial effect. A brass band, composed of seniors, has been successfully organized within the last three years, and is attended with the happiest results. Its music not only enlivens the precincts of the institution, but the services of the young musicians are occasionally engaged to perform outside and beyond the protectory. The effect has been very encouraging; it brings them in contact with society, and gradually teaches and prepares them to move honorably and respectably therein.

In drawing our subject to a close, gentlemen, if it be not assuming too much, may we not be allowed to assert, that our protectory has accomplished more within the brief period of its seven year's existence than many similar institutions in a much longer time and under far more favorable circumstances; when we consider that it arose in the face of so many difficulties and obstacles with which we had at first to grapple, and that, too, wholly unaided by the state, except a grant of fifty thousand dollars for building purposes, in the third year of its existence, that it has been blessed with such success in the end, enjoying now, thanks to the New York legislature, the same privileges as similar institutions.

Truly, in view of so great a work accomplished with such feeble instruments as we had at hand, and amid so many discouragements, we cannot but acknowledge the fatherly hand of a kind and merciful Providence, and raise our hearts in spontaneous and lively gratitude to Him for so precious a gift, so invaluable a blessing to the poor and the destitute — exclaiming with the bard of Mantua,

"DEUS NOBIS HÆC OTIA FECIT."

XXVIII. Dr. Wichern's Paradox—"The Strongest Wall is no Wall," illustrated in the History of the Indiana House of Refuge.

By Frank B. Ainsworth, Superintendent, Plainfield, Indiana.

Dr. Wichern is not a mere theorist or visionary enthusiast, but a man of strong common sense and practical philanthropy. He ranks among the veteran reformers of the world, and is the father of what is known as the family system in reformatory institutions. His whole life has been replete with generous efforts to advance the common good of unfortunate humanity, and to extend the boundaries of christian influence. Being fully persuaded that to secure a decent rearing of the wretched offspring of sin, profligacy, destitution and misery, an institution should be established upon the broad basis of the christian religion, he concentrated the force of his mind upon securing such an establishment for the city of Hamburg, in Germany. In carrying out this design, he had formidable obstacles to contend with. He did not possess the pecuniary means necessary to its execution, nor had he sufficient credit among capitalists to secure a loan of the needed funds. But he possessed something that proved to be better than money or credit. He had an influence with that Being who moulds the heart of man to His own gracious will. Many fervent petitions were sent up to the throne of God; many sleepless nights were spent in anxious thought; many years were passed in patient effort against stubborn and unyielding opposition, with little visible prospect of success. But, believing firmly that Providence had destined him to inaugurate and execute this God-given work, he did not abandon his suit with Heaven, nor cease to solicet human assistance. With persevering determination he pressed the importance of his plans, and, when his faith seemed ready to fail and human ears appeared most deaf, the boon so long prayed for, the aid so earnestly sought, appeared in the shape of a donation of the "rough house" and a bequest of upwards of a thousand pounds in money. Wichern's Heavenly Friend had not withdrawn from him; his courage revived, and he was enabled to reduce to practice what was before only theory. These acquisitions were quite ample for a beginning, and Wichern, accompanied by his excellent mother,

the first day of November, 1833, entered upon his long coveted
ld of labor.

The principle on which Dr. Wichern founded the *Rauhe Haus*,
d in accordance with which he has to this day conducted its
cipline, has been expressed by himself in the apparently para-
xical but most felicitous *dictum*, "the strongest wall is no
ll." By this he meant simply that moral forces, applied in the
nagement of the fallen and the criminal, have a power denied to
re coercive contrivances and measures; a sentiment to which the
iter of this paper subscribes with all his heart, and the truth
which, without assailing other institutions, or depreciating the
od which they are undoubtedly accomplishing, he proposes to
nfirm and establish, by the experience of the Indiana house of
uge, over which he has the honor to preside as superintendent.

The plan upon which this institution is conducted is known as
e family system, as distinguished from the congregate plan. It
yet in its infancy, having been opened on the first day of Jan-
ry, 1868, and we cannot, therefore, point to any considerable
ount of ripened fruit as the result of its moral culture. It is
ated on a farm of two hundred and twenty-five acres, fourteen
les west of Indianapolis, and one mile south of the village of
infield. There are at present four families of boys. Each
nily occupies a separate house, and is presided over by an officer
led house father, assisted by another officer called elder brother.
ch family has its own play-ground, school room, dormitory and
parate table in the dining room. Thus each is separate and
tinct in its most important relations and interests, but all are
ited under one general head. These four families are divided
ch into two classes, viz., large and small boys; and each of these
sses is subdivided into two others, according to their moral
nding. Thus there are two families of large boys — the one
od and the other bad. There are also two families of small
ys — the one good, the other bad. Every boy, on entering the
titution, is informed that the length of time he is to remain
ll depend upon the success of his own efforts to reform. He is
vised that his efforts at personal improvement will be promptly
ognized and suitably rewarded, while his misdeeds will bring
n trouble and postpone the time of his release. Thus, under-
ndingly, he is placed, according to his size, into one of the
nilies of bad boys, where he is under the constant watch of an

officer, whose duty it is to impart good and wholesome moral lessons on all suitable occasions, and to instruct him in his studies and at his work. This officer is not a task-master, guard, overseer or teacher alone, but combines the duties of all. All the boys attend school one-half of each day, and are employed at some useful industry the other half. In the evening each family is assembled by itself to review and record the conduct of every member for the day, and to listen to such moral or general instructions, as may be imparted by the teacher. Each day is opened and closed by appropriate religious exercises, conducted by one of the family officers. Thus there is a uniform and simultaneous development of the boy's whole being — bodily, mental, moral and spiritual.

There is a system of grades or classes through which all boys must pass before being entitled to a discharge. There is also a system of marks, corresponding to and serving as the basis of the grades. The number of marks which each boy is required to obtain in a given time is commensurate with his moral standing, and the number of grades is twelve. Only one grade can be gained in a month. These twelve grades are subdivided into four graded classes, and the moral standing of every boy is found in one of these four divisions. The divisions are numbered respectively one, two, three and four, commencing with the lowest grade. The first two divisions comprise eight months, the third division three months, and the fourth division one month. To show how it is determined what class a boy belongs in, and whether or not he is entitled to a grade, I present the following exhibit, taking, for the sake of convenience, a month of thirty days: The house father of each family keeps, in a book provided for that purpose, a daily record of the conduct of each member of his family. The reports are based upon a system of debits and credits. For every day a boy's conduct is perfect at work, at play and in school, he is recorded *plus* five. When he is not perfect in any of the above departments he may, in the discretion of the house father, be marked a number whose value is less than five, or merely 0, or 0 *minus* five. It will be seen that if a boy is perfect every day, the greatest number of marks he can gain in thirty days is one hundred and fifty. All boys on grades between one and four must gain one hundred and five marks to be entitled to a promotion; all boys between four and eight must gain one hundred and twenty;

all between eight and eleven must gain one hundred and thirty-five. During the time a boy is in the first and second classes, he works under an officer, who cares for and watches over him closely. When he enters the third class, he is removed from the first family and placed in the best; but before he enters this his fitness for it has been fully tested. If, however, he should prove to be unworthy of this promotion, he is returned to his former family, and required to do his first work over. When the boys have attained the highest moral excellence, as shown by their marks and their standing, if a suitable home can be obtained for them, they are placed in it, and when a sufficient time has elapsed for adequate probation, if found worthy, they are discharged. But if, upon this *test system*, a boy proves unreformed and not worthy of the confidence reposed in him, he is returned to the institution, and is required to go over his course again.

The leading industries of the establishment are agriculture and gardening. The mechanical trades are shoemaking and carpentering. The boys employed at these trades must be proficient enough to earn their own living before they can be discharged. The younger boys are employed at putting cane seats in chairs, until they are old enough to be placed at something more substantial. All the restraints of the institution are of a moral character. The buildings are surrounded by a simple picket fence, four feet high; and the windows of the dormitories are without iron bars — coercion is never used, till all moral means have failed. From the date of the opening of the institution to the first day of September, 1870, a period of thirty-two months, 235 boys had been admitted. Of this number seventeen have been discharged by reason of reformation; sixteen were discharged for other causes; and twelve are on trial among farmers and mechanics. Not one of these boys had ever succeeded in permanently escaping from the institution, and not a boy has ever been whipped; but all have been retained and all have realized some benefit.

Of the seventeen discharged as reformed, the greater part have been out over a year. Only one has been returned, and his return was at his own request. It is not known that any of them have ever got into any criminal difficulty. One is now a house father; two are elder brothers; another has charge of the shoe shop; another is an employeé in the house; another has charge of the live stock; and still another has charge of the store-rooms of the establishment.

No boy has yet proved wholly inaccessible to the influences of the institution, though some have been slow in making up their minds to do better. The influences brought to bear upon them are of the most wholesome and elevating character. No officer is permitted to indulge in a habit necessary to be counteracted in the boys. They are selected especially because of their fitness for the work. They are required to conform to strictly temperate, industrious and christian habits, and to unite their endeavors to promote cheerfulness, order, industry and cleanliness among the inmates. It is intended that this institution shall be conducted on humanitarian principles exclusively. It is intended to wisely combine labor, mental training, confidence, love, kindness, cleanliness, justice and liberty, to effect the double object of restraint and reformation. Under a system like this, the inmates can be punished, and the key to their hearts held at the same time. The boys are, step by step, raised to a position of confidence and privilege, where the restraint is scarcely greater than it would be in a well-regulated christian family. When they are returned to society, no abrupt change takes place in their privileges. Their liberty, having been recovered by degrees, does not, so to speak, overpower them, or cause them to lose their mental or moral balance.

The freedom of this system, combined with just and wholesome restraints, the kind and sympathetic treatment of the boys by the officers, the close contact with mother earth, the beautifully ornamented lawns, the finely cultivated fields and gardens, the extensive fields of grain and corn, the satisfaction the boys have in cultivating and raising a large proportion of their own support, the correct habits of the officers and teachers, the harmonious and dignified commingling of the whole household, the admirable system of schools, the well-selected library, the large and well-ventilated school rooms and sleeping apartments, all combine to develop a noble type of manhood.

Thus we see that kindness practically accomplishes the best results, and we draw this conclusion from the foregoing detail, viz.: that there is a natural adaptation of the law of kindness *to the constitution of man.* When winter has suspended the visible action in the vegetable kingdom, it would seem as if death had gained a complete and final triumph; but when the sun, guided by unerring law, returns, life again asserts its power and robes the

world with beauty. So, when moral life has been impeded, chilled and paralyzed by contaminating and debasing influences, the law of kindness is brought to bear upon it, and all its functions are restored to a healthy and vigorous action. This law of love, applied in practical forms, is the secret spring of all social and moral regeneration.

XXVIII. The Ohio Reform Farm School — Its Principles, Methods and Results.

By Rev. B. W. Childlaw, one of the Commissioners of the School.

In the year 1856, the legislature of Ohio appointed a commission of three gentlemen — Hon. J. A. Foote, Charles Remelin, Esq., and J. D. Ladd, Esq. — to visit the reform schools of this country, and to report a plan for a reform school for the state. In the performance of this duty they found existing institutions only on the congregate or walled-in system.

One of their number, Mr. Remelin of this city, being called by private business to Europe, visited and carefully examined the prominent reformatories on the continent and in Great Britain. Upon hearing his report, which strongly recommended the family plan, the commission decided in favor of its adoption, and the legislature, approved and appropriated the sum of $15,000 to purchase not less than one thousand acres of land, on which to establish the reform school for boys.

With this sum a tract of 1170 acres of land, chiefly unimproved, located in Fairfield county on the Hocking hills, thirty miles south of Columbus, was purchased. These lands are not as well adapted for agricultural purposes as our alluvial river bottoms, yet their isolation, salubrity and fitness for gardens, orchards, strawberry plantations and vineyards compensate largely for the want of productiveness as farming lands.

At first, with no precedent to follow, the commissioners had to feel their way in the dark, break new ground and test the practicability of their principles and methods of reforming juvenile delinquents between nine and sixteen years of age. To hold, without walls, bars or cells, vagrant, ungoverned, vicious and criminal boys was a new thing under our western sun. It was an experiment involving many and serious difficulties. To inaugurate the reign of love in the management of such boys was a work environed with special and great perplexities.

Our family buildings are, with one exception, of brick, fifty-seven by thirty-six feet, two stories above the basement. The basement contains furnace and tank rooms and a large wash room. On the first story is the elder brother's room and the school room.

he second story contains a room for the assistant elder brother ıd the boys' dormitory. The family buildings are plain, sub-antial houses, affording a comfortable home for a household of ›rty to fifty boys each.

PRINCIPLES.

The fundamental ideas adopted in the organization and manage-ıent of the Ohio reform farm school are few and simple, derived om facts and experience.

We are fully persuaded, from the testimony of divine revelation ıd from observation and experience, that the human heart is sin-l and prone to evil; and this we find true of the inmates of the hio reform farm school. Their wills are stubborn; their pas-ons ungoverned; their appetites depraved; their understanding ırkened; their heads, hearts and hands alienated from God and s law. Hence we need a treatment—social, moral, intellectual ıd industrial—that in all respects meets the necessities of the ıse.

Facts also teach us that these boys, thus involved in moral ıin, may be saved. In each case, however depraved, hardened ıd ignorant, there will be found, by the eye of faith and love, a lcrum on which we may place our leverage, and, by the divine essing, lift from the depths of sin to a better life even the most retched and repulsive outcast.

We have learned the power and efficiency of true religion, in ; precepts and practices, as an element in the work of reforming ıe vicious and the criminal. Hence we employ, with entire ›nfidence, the loving and judicious use of religious instruction, ersonal, social and public, as an indispensable agency in the formation of our boys. The repression of vicious propensities ıd debasing appetites by physical restraint is not the reforma-on demanded by the moral exigencies of these delinquent youths. may retard the flow, but cannot dry up the fountain, of evil in ıe heart. "The fear of the Lord is the beginning of wisdom." he understanding, the conscience, the will and the heart must ; reached; sound moral and religious principles must be taught, ccepted and adopted; the heart must become the seat of virtue, uth and love: then the life will be good, pure and lovely. Sec-rian teachings and influences are carefully avoided. The boys e taught and encouraged to form their views of truth and duty,

with a manly independence and in the fear of God. This is the spirit and method of religious training which prevails at the Ohio reform farm school.

HOME.

Facts and experience teach us that an intelligent, well-regulated, christian home is the safest and best place to bring up children, and that the training that is successful in educating them for useful lives will be the most effectual in restoring the erring ones. Therefore, we seek to make the life of a boy, at the reform farm school, as much like a life spent in a good home as possible.

In the control and management of a household of three hundred and fifty delinquent boys, we recognize the necessity of law, authority and punishment. Our boys are carefully taught that obedience and duty bring a sure reward, and that transgression has its inevitable penalty. The rewards are loving confidence, advance in grade and the happiness of well-doing and improvement. The punishments inflicted consist in admonition and reproof, a loss of grade and deprivation of some cherished personal comfort; but when moral suasion fails, the rod of correction and the lock-up are reluctantly though judiciously employed. We are glad to add that the necessity for the infliction of such punishments seldom occurs.

In our families we endeavor to form and maintain such a public opinion on the side of order, industry, morality, religion and personal decorum, as well as personal interest in the honor and welfare of the household, that good influences predominate. Thus the boys strengthen and encourage each other in the right, and an effectual check is placed on any thing that is wrong and disorderly. This is the cohesive power which cements the family, develops the good, and represses the evil.

LABOR.

Facts assure us that every boy should be taught and encouraged to work. It is our cherished purpose and constant effort to inspire each with the will, and to impart to him the power, to earn an honest living, both while an inmate and after he leaves us. Up to the present time most of our boys work in the field, nursery, garden, orchard and vineyard. They have cleared about 300 acres of land, demanding an immense amount of hard work. In the shoe and

tailor shops they manufacture our own supplies. They also perform the domestic work in the kitchen, bakery, dining hall and laundry. Under skilled and faithful elder brothers, the labor is rendered attractive and pleasant. They are inspired with correct ideas of the dignity and value of labor, and are taught to cherish a taste for industrial pursuits, and to be diligent and skillful in all they do.

When a boy, whatever his antecedents may have beeen, swings the ax, handles the hoe, or holds the plow with a willing mind and a cheerful heart, we have the assurance that he will by and by be all right—self-reliant, able and willing to work; he will eat honest bread; and in his relations to society he will be a producer and not a consumer, a busy bee and not a worthless drone.

SCHOOLS.

The schools which our boys attend one-half of each day, as regards sound instruction, incentives and aids to study and genial, wholesome discipline, will compare favorably with the best schools in the commonwealth. When received, many of our boys were ignorant, idle truants, without any interest in education or taste for learning. Such is the efficiency of our system of instruction, that not only do all obtain a good common education, but many of them are inspired to obtain a higher culture after they leave us; some even go through college. Serials, newspapers and a good library furnish them an abundance of useful and entertaining reading, a means of improvement which most of them greatly enjoy.

INTRODUCTION TO THE SCHOOL.

With such opportunities and appliances, our doors are thrown open to receive the boys sent by our courts. The new comer arrives in charge of a sheriff or deputy, sometimes in irons, and frequently clothed in filthy rags. Yesterday he was the inmate of a gloomy, miserable county jail, under the demoralizing and degrading tuition of hardened, reckless criminals; to-day he greets a village of farm buildings and large dwellings — beautiful lawns, fields, orchards and gardens. He looks in vain for frowning massive walls and grated windows; the dread of narrow cells and prison life is removed at once; and the poor boy has hope. His heart is touched in the right place. His first impressions are always favorable. If a visit to the wash-room and clothes-press is necessary, the elder brother on duty in the office takes him there,

and speedily a great outward change in his personal appearance is wrought. The poor fellow feels this, and takes another step toward a better life. Then the elder brother takes him by the hand and, with words of kindness, shows him his future home. By a lad "always kicked about" such attentions are appreciated, and he feels at once that he is in the hands of friends who will do him good. (We have no classification of the boys; vacancy in the household determines the location of the new boy.) In the family where he is placed, he is received and treated as a brother. Outside, bad and dangerous boys were his best friends and companions; good boys avoided him. In his new home things are changed. The best boys in the family feel an interest in his welfare, and are ready to do him any good service in their power. In a short time, accustomed to the routine of duty, the boy becomes attached to his elder brother, to his associates and to his home; and the blessed work of reclaiming the wanderer is hopefully progressing.

METHODS.

The method of training the boys will be presented in a brief outline of our daily routine; and this will illustrate our principles and their application. We combine, as far as possible, all the elements which will instruct the boy in his daily duty and secure order, promptness and efficiency.

At 6 A. M., the boys eat breakfast in a common dining room. At the table they behave with great propriety, and when all are seated, they unite in asking the divine blessing on their food, after which they partake of it with cheerfulness. After breakfast, led by one of the elder brothers, they spend a short time in devotional exercises, reading the scriptures and prayer, in which all unite.

Then they move in order to the lawn and form a line, and are detailed to the duties of the forenoon. The school boys are ordered to move, and the line is thereby reduced one-half. The shop, house and team boys are next relieved, and proceed to their allotted duties. Those who are to be employed in field and garden work, go first to the tool-house, where they are furnished with such implements as they require to perform the labor assigned. These several divisions are in charge of an elder brother, who aids and directs their labor and carefully observes their conduct.

At 11½ A. M. the schools are dismissed, and the working forces repair to their family building for ablution and relaxation till the

dinner bell invites them to their noon meal. After dinner and an hour of rest, the line is again formed and the details for school and field made as in the morning. The boys that worked in the forenoon now go to school, and those who were in school in the forenoon are at work in the afternoon.

At 5 P. M., the labors of the day are closed and the schools dismissed. Then comes play time — the joy and cheer of all hearts; each family on its own play ground presenting as rollicking, cheerful, vigorous a set of boys as the land can furnish. This kind of enjoyment, mixed up with the hard work and close study of the day, is certainly reformatory and helps us to make good men out of bad boys.

In the evening each family (at present seven in number) meet in their own school room. The first hour is spent, under the supervision of their elder brother, in a moral review of their conduct through the day. Each boy, in the presence of his associates, makes a statement of his conduct, good or bad, during the day. His thoughtfulness, truth and honesty are called into requisition. A short memory, a perversion of facts, or an error in statement will be at once recognized by those who witnessed his conduct, and condemned by the righteous judgment of his peers and the elder brother.

These are favorable opportunies, when judiciously employed, to root out the seeds of evil and plant those of good. By affectionate and wise appeals to the heart and conscience of the erring, the sensibilities are reached and the sentiment of duty invigorated. Those who struggle manfully against the dominion of passion and the habits of sin that war against the soul are encouraged and strengthened, and those that are blameless are recognized and approved. This is an interesting hour and a very useful service. Until bed-time, at 9 P. M., the boys have a free and easy time in company with the elder brother, conversing, reading, singing and amusing themselves as best they can in a quiet, pleasant way. Their dormitory is large and well ventilated, with comfortable, clean beds. Arrived at the head of his bed, each boy kneels and spends a few moments in silent prayer. This voluntary and beautiful service is very impressive, and certainly beneficial in its influence on a household of forty to fifty impressible boys. The elder brother is expected to enter into intimate and endearing relations with each boy in his family; to know his troubles, difficulties, struggles and

triumphs. He operates on the individual member, and not with the family *en masse*. He can intelligently and judiciously deal with each boy in his charge. Ministering to the circumstances of each special case, he seldom fails to win the boy from evil and help him to do well.

Each boy is instructed and encouraged to do all that he can for himself. He is impressed with the fact that all that others may do for his reformation will be unavailing, unless he himself enters heartily, resolutely and earnestly into the work; thus the boy becomes deeply interested in and devoted to the work of self-rescue and self-improvement. He is intelligently aroused and his energies properly directed to do all that he can to recover himself from the power of evil thoughts and wicked deeds. A score of boys in a family of forty, thus aroused and engaged, will exert a powerful influence for good on each other.

RESULTS.

The Ohio system — the family plan for reforming and educating bad boys — is no longer an experiment. Its success has been tested during thirteen years, and the results have been satisfactory in the hopeful reformation of an overwhelming proportion of the inmates therein detained.

We have not the means of knowing the history of every boy that has been discharged, but from trustworthy information, from letters received from the boys or their employers, and from personal knowledge, we feel confident that seventy-five out of one hundred are doing well. They have been prevented from falling into the dependent or dangerous classes, and are now a blessing to the state and an honor to the institution that saved them. The discharge of a boy by indenture, or to the care of relatives, or on his own account, is always a matter of tender solicitude and deep anxiety. Many, when they leave us, are welcomed to a safe, good home, with all its virtuous incentives and encouragements, where kind, sheltering arms will protect them. Others have no such greeting; the chill of disappointment, the sorrow of discouragement, is their lot. Some, thus circumstanced, are strong in their principles and correct habits, and in the hour of trial stand unscathed. Others are weak in will and power to resist; they fail for the want of opportunity and sympathy; they go down, because there is none to help them. A few we never hear from; we have no clew to their failure or success, their weal or woe.

The holding of our boys without high walls or armed police is another result of our system which we present with confidence. Our records will show that our inmates, nearly 1200 in number, were charged with and sent to the institution for miscellaneous or flagrant crimes. They are held by the power of a good home, kind treatment, constant employment, genial relaxation and vigilant oversight. They are made to feel that they are loved and trusted; therefore they are contented and cheerful, and like good boys stay at home with their friends, and do their duty pleasantly; cords of loving confidence thrown around their hearts are our chains. The force that holds a boy in his home outside is the power that prevents escapes from our institution.

For eleven years we have sent daily from one to six boys with teams to Lancaster, a distance of six miles, not one of whom ever betrayed our confidence by escaping; and we never heard any complaints of their bad conduct. Indeed, our neighbors always commend the behavior and the gentlemanly bearing of our boys. A serious muntiny or conspiracy to escape never occurred. Sometimes plans have been laid by one or two boys, but the faithfulness of their trustworthy comrades, or the watchful eye of the elder brother, detected the beginning of evil and frustrated the plan. The tone of social, moral feeling in the family, the sense of honor and duty cherished by the boys, and the ordinary discipline of the institution are reliable securities that escapes will not take place.

EXPENSES.

In regard to the expenses of the reform farm school, the result financially is decidedly in its favor. The capital invested in land, buildings and improvements, when our new buildings are completed, will not exceed $100,000, with a capacity for the accommodation of 450 boys and all the officers required in the efficent management of the institution. Hereafter, our land being cleared, our orchard, strawbery plantations and vineyards being planted and in bearing, if we are favored with fruitful seasons, the sale of products will materially reduce our expenditures. Next year we hope to introduce mechanical labor and to employ at least 200 boys in manufacturing.

The well-kept condition of our buildings and furniture is another good result. No private dwelling in the state presents less of the rudeness and vandalism that, with knife or pencil,

defaces and defiles its walls and furniture, than ours. The same is true of our school rooms; not a seat or a desk is in the least mutilated; the wanton destruction or injury of property is nowhere to be seen.

The committees of the legislature that annually visit and examine the institution, as well as a host of intelligent visitors, have expressed astonishment at the naturalness and perfection of our family arrangements; of which the health, vigor and cheerfulness of our boys, the freedom and privileges they enjoy, and the amount of hard work and close study they perform bear the most ample and satisfactory testimony.

Recently, a careful examination was made in the Ohio state prison to ascertain how many of our boys had drifted within its walls and were numbered among its 993 inmates. Five only were found; two of these were runaways; and each of them acknowledged that if he had remained at the farm and honestly accepted the conditions of reform, he would have escaped a felon's doom. Two stated that they were at the institution a short time, and but one had been honorably discharged.

Last June one of our early inmates, once a wretched, unpromising, lawless outcast, graduated from one of our best colleges, and is now an elder brother at the institution. Another, as deep in the mire, as hopeless and unpromising, was honorably discharged a few years ago, and is now assistant superintendent in a sister institution. On the pay-roll of the Ohio reform farm school may be found to-day the names of nine of our own boys, competent and faithful officers. Saved themselves, they are in perfect sympathy with the work of saving others, and well qualified for its high and holy duties.

Three years ago, a homeless, vagrant, hardened delinquent was received into our institution. A christian gentleman in the city of Cleveland, recognizing his talents and promise, has just assumed the expense of giving him a liberal education; and to-day he is in an excellent academy, preparing for admission to college, happy in present industry, and animated and cheered by the prospect of a future of virtue, honor and usefulness.

XXIX. On the Desirableness of an increased number of Juvenile Reformatories, and the best Method of conducting them, illustrated by the State Industrial School at Lancaster, Massachusetts.

By Rev. Marcus Ames, Superintendent and Chaplain.

Industry, intelligence and virtue, generally diffused, must ever remain the indispensable basis of a government with free institutions.

The generation which shall give character to the nation during the next few decades is now in its childhood, and as it is moulded and trained, so will the nation be in its character and influence among the nations of the earth. Hence, efforts to reform the youth of the land who have fallen under vicious influences and habits, and to educate them to an intelligent and virtuous moral character, must be unceasingly exerted.

If parents discharge this duty *well*, it is their heaven-ordained work; none can perform it so effectively, especially the *moral* training essential; if the common schools and sabbath schools can co-operate and aid the parents and make up their deficiencies, it is *well* and every way desirable, and should be insisted upon more and more, rather than, as some now advocate, confine our schools purely to secular instruction, since they are designed to prepare the rising generation for citizenship, and no republic can endure save as its citizens are governed by moral truths and possess moral excellences of character.

If, with all that is done by parental influence and school instruction, there still remain many children and youth who are *not* restrained, taught and moulded in the manner essential for good citizenship, then should other agencies best adapted to meet the demand be introduced, and extended, if possible, as widely as the existing evil.

These agencies are preventive and reformatory institutions. It is cheering to know that public attention is more widely drawn to the subject of juvenile depravity and juvenile reform than ever heretofore, and *whatever* may be done to stimulate to increased

interest and effort in this direction, *should* be done by every patriot, philanthropist and christian.

In the report of the executive committee of the New York prison association, three years since, the committee say: "Our juvenile reformatories are the best managed and most effective institutions we have for the prevention of crime. But they are far, very far, too few in number, and need to be increased many-fold. They bear no proportion to the same class of institutions in various countries of Europe." This position they re-affirm in their report of the present year.

Arguments drawn from various considerations lead to the conconclusion that the number of our preventive and reformatory institutions should be greatly multiplied throughout the country, either by legislative enactment and appropriation by the respective states, or that private benevolence should be strongly urged thus to diffuse its bounty.

The desirableness of an increased number of reformatories for *girls* and the best method of conducting them, let us here consider. If houses of correction or reformatories are needed for men and women, and also for boys, as is shown by the number already established, is it not apparent that, in some respects, an even greater necessity exists for the establishment and maintenance of reformatories for girls, in view of their *more certain* and *complete* ruin if involved in vice and crime *without their aid*, and of their inability, when convinced of their wrong, to re-instate themselves in the good opinion of the community and thus secure its confidence, sympathy and encouragement, *which are essential* to a continuance in well-doing. In the great majority of cases where girls have been led astray and have had no opportunity for reform in institutions established, it will be found that they have continued in their evil way to utter and irremediable ruin. The natural tendencies within them, the power of evil association and companionship and the attitude of society generally toward them, when they have once yielded to temptation, all combine to cause them to drift on in the fearful current leading to death and woe. Isolation from such associations and surroundings is essential. Instruction and work under quiet and unexciting circumstances, with methodical and well regulated periods, and *especially* the moral instruction, sympathy, and genuine, hearty, earnest co-ope-

ration of wise, kind and discreet friends can alone, in the great majority of instances, secure reformation.

Is it not evident that these advantages have *not* been afforded, hitherto, in any degree commensurate with the necessity, *save in institutions* thus described; and of these — how few! And is there *any* indication for the *present* and immediate *future*, that *private* efforts, in wise discreet and christian families *will* be undertaken for this large and rapidly increasing class? Is it reasonable to suppose that many christian families are or will be so constituted in their membership, by absence of children and youth or by favorable influences from servants, neighbors and visitors, in which this class may be sheltered and labored for and moral sensibilities and principles of character be created and strengthened?

Most families do not and will not receive such into their households. From whatever stand-point we assume, I see no probability that many of this class will be reached, reformed and saved, except as they are brought into institutions and, under their wise and quiet supervision, re-introduced into life through service in families, and thus into general society.

Facts present themselves to us continually, revealing the depraved condition of many of the youth of our towns and cities. The few we have already received into our institutions only illustrate the character and condition of a large circle of associates from which *these* have been selected, the large majority of whom are left to continue in their course of vicious association, corrupted by and corrupting others, and certain yet to occupy a place in our courts, almshouses and jails. The condition of very many girls, from want of wise parental care and restraint, is sad indeed.

A physician in one of our smaller cities informed a captain of police, as he was bringing two girls of this description to our institution, that within the six months previous he had had more than twenty girls under fourteen years of age apply to him for medical treatment for disease contracted through vicious association.

The opinion is also given by many officers that large numbers of girls under fourteen years of age are already initiated into, and have been pursuing this course of life, more or less, in our chief cities. How strikingly is this truth confirmed by the arrest, in one night, within the last six months, on the streets of Boston, of over 150 girls, the great majority of whom were between eighteen and twenty-three years of age! Is there no necessity of

more *extended* effort to gather into reformatory institutions, at an *earlier* age, those who are *morally certain* to be of this class if left, as these had been, unrestrained? Would it not have been better thus to have provided for these three or five years since, whereby a large proportion of them would probably have been saved to themselves and society?

And what is true of Boston is equally if not more true of other cities, in their proportion of population. Look where you will, the evil is increasing in *all* our cities, and alas! it has come into our *country* towns and villages, revealing its existence as more widely spread throughout the country than ever heretofore.

Are we not brought to the conclusion that *organized effort*, sustained either by the *state*, by churches, or benevolent associations, or private munificence in isolated and retired circles, *must* be established to accomplish this *great work* existing on every hand?

Again, the *success* of reformatory institutions already established is an argument in favor of creating a still larger number; however sadly philanthropists have been disappointed in the success attending their labors to reform *adults*, the testimony of officers and friends of the various reformatories for the *young* is, that a large percentage of the subjects of their labor *have* been saved from a life of vice.

The history of the state industrial school at Lancaster, Mass., affords encouragement for the establishment of similar institutions, as it has already stimulated to the erection of some such in different states of the union.

The school was opened in 1856, $20,000 having been contributed by individuals, and the state furnishing an equal amount. It was placed by the legislature under the control of a board of trustees appointed by the governor and council, and is maintained by a yearly appropriation from the state treasury, each town or city paying, however, fifty cents per week for the board of each inmate therefrom.

The school is located in one of the old, quiet towns in the heart of the commonwealth, on a beautiful plain sloping toward one of the branches of the Nashua river, delightfully embowered by the wide-spreading, graceful elms which adorn the landscape. Three houses were filled with thirty girls each, in the space of about nine months; a fourth house was opened in 1860, and a fifth in 1861. Accommodations are thus provided for 150 girls, who are

sent upon commitment by judges of probate or special commissioners, thereby avoiding the odium of a public trial and the disgrace attaching to a court room and jail.

The law permits girls to be sent between the ages of seven and sixteen, and retained until eighteen or twenty-one, as the trustees deem desirable. The average age at commitment is thirteen and one-half years. The average period of continuance in the school has been two and one-third years.

The character of those admitted has, necessarily under the statute, varied. Of nearly all, the tendencies were evil through inheritance and years of parental neglect and exposure to bad companionship. Most were declared stubborn and disobedient, many were addicted to petty crimes, and the older portion had usually been involved in vicious associations and practices.

The system adopted is that of the family, each of the five houses being complete in its arrangements for independent family life, with separate sleeping rooms for nearly two-thirds of the girls (which we deem advisable for all). All gather together at the table, and in the evening hours, and for morning and evening worship, with common and united interest sharing in the duties to be performed, in the privileges accorded, and the amusements and recreations of the house and play-ground.

No high fences, bolts or bars prevent escape, yet few escapes comparatively occur, and all but three (two the first year) escaping since the opening have soon been secured and brought back.

The girls are employed in performing all the duties of the household, under the guidance and aid of their matrons, each being instructed alternately in the different departments thereof, our design being to instruct and perfect them in the performance of these duties, so that they may at once, upon leaving us, enter upon service in families and secure an honorable support, and also be prepared to take their places intelligently and acceptably among the wives and mothers of the land, regarding a thorough knowledge of cookery, washing, ironing and sewing with neatness and dispatch, as of far greater importance than any of the various kinds of sale-work, however immediately remunerative.

Each house contains a school room, where the members of that family gather for study, from three to four hours every afternoon. Many come to us ignorant of even the most common branches, unable so much as to read or write, and with little or no

desire for study or aspirations for knowledge; but the majority attain a sufficient knowledge of the elementary branches to prepare them for the ordinary intercourse of life. Some positively excel in reading and in penmanship, and, in several cases, a thirst for knowledge has been awakened, which led to a course of study, fitting them for service as teachers — some with rare efficiency.

All unite in exercises of singing with marked interest and progress, which, with the sentiment of the hymns, will, we believe, long abide and exert a restraining and elevating influence.

Moral and religious instruction and influences, of a cheerful but earnest character, are constantly exerted, and, by precept and example, the ideal of a *true home*, instinct with a virtuous and christian life, is presented day by day by intelligent, refined, faithful women, of quick sympathies and self-denying spirit, whom the girls learn to confide in and *love*. Religious *truth* and regenerated christian character are thus made visible to them. They are living forces — realities — with which they daily come in contact. The value of these forces it is impossible to exaggerate.

Situations are secured for the girls, on leaving us, usually in the country, in families, to assist in general house-work or in the care of children, and occasionally at trades or as teachers of common schools.

What are the results? They are such, we believe, as justify the wisdom of its founders and reward the labors of its workers. Physical improvement, mental progress in the elementary branches to a fair degree, fundamental moral and religious knowledge gained by all, and external improvement in language and general conduct to a remarkable extent in nearly all.

Of 759 received since the opening, 143 are still in the school, and 79 are indentured. Of the remainder, from one-fifth to one-fourth are known to be married and, with few exceptions, doing well; of the residue, two-fifths are known to be honorably and worthily supporting themselves in household labors, by trades, or in teaching, making at least three-fifths known to be workers in society and no longer a burden or a canker upon it.

Very many incidents of thrilling interest might be here narrated, showing the beneficent work wrought, were this the time and place.

I could cite instances of girls, far advanced in vicious courses,

who are now illustrating in their lives the lessons here received of truth, virtue and piety.

I now recall one who had been addicted to the most vicious courses, and whose life was such that her eldest sister, filled with grief and mortification, exclaimed, as we walked the streets of Boston in endeavors to recall her from her accustomed haunts of vice, "I wish she were dead!" but whom, reclaimed through the influences of our institution, we have since visited in her own New England home, in her quiet cottage, furnished with all the necessary comforts of life, her husband a worthy mechanic, both members of the church in their village, and both leading lives of industry, morality and piety.

Another, whose violent temper, persistent disobedience and blasphemous language, when first committed, often disturbed the whole household, and who sometimes required the absolute physical force of the superintendent or farmer to remove her from the school room or the family, for many months after leaving us, rendered efficient service in a family, securing their respect and confidence, and writing us words of warmest gratitude for our discipline and forbearance with her, and words of hope and cheer, bidding us, when we were inclined to despond over the waywardness or willfullness of any, to remember *her* and the result of our labors in her behalf. A few months since she visited, and with apparent delight, the *home of her reformation.* It was a pleasant experience to receive her at my house as a guest and *friend*, and to entertain her with objects of interest gathered in foreign travel, and then to escort her to her former home in the evening, as I would any other lady, over the very same path I had a few years previously forcibly conducted her as a turbulent, blaspheming *termagant.* She is now, with dignity and self-respect, maintaining herself in one of our manufacturing towns.

Another, who had fallen low, and mingled with all classes of the vile, was invited to return to her home on a visit after leaving us. The first greetings of her own father and sister were accompanied with the most urgent invitations to revive the associations of the past, over that cup of death which has been an accompaniment in the lives of the vicious; but modestly, yet persistently, she refused, thus, amid solicitations and strong temptations, firmly maintaining her principles of temperance here acquired. Her voice, which had often been heard in words of blasphemy and

songs of ribald mirth, we have loved to hear offering words of praise and holy song. And now, after the test of years, notwithstanding the unwise publicity given to her previous history and connection with our institution, which created such a prejudice on the part of her shopmates and employers as to exclude her suddenly from her position, and also to prevent the fulfillment of honorable engagements for marriage in two instances, she maintains her integrity and supports herself by daily labor.

Another illustrating the necessity, in *some* cases, of protracted continuance in the institution: A girl, destitute of the influences of a home, drifting to us from some asylum with strong propensities to evil, declared, as she left us, that the first six years failed to save her, but the seventh had done the work. After honorable service in a family, she went to a distant state, endeavoring, for many months, to increase the comfort and happiness of the home in which her lot was cast; thirsting for knowledge, she entered a normal school, studying till destitute of funds, then learned the trade of a dress-maker at which she worked till she earned enough to resume and complete her studies; and she is now teaching successfully in a public school, has opened for herself a career of usefulness, and has so won upon the regard of one of the best families in the community where she lives as to have received from them the offer of a permanent home beneath their roof.

We have an increasing conviction that the success of such labors will be even greater in the future than in the past, as increased experience shall lead to a wiser adaptation of means and efforts; also because of the augmented interest in the *community*, the evidence of which is seen in a spirit of co-operation with reformatories in carrying forward the work there commenced, as the girls go forth into service in families or take their position in general society.

There certainly is a growing interest and spirit of hopefulness in the community. The success already achieved has, to a certain extent, dissipated the spirit of doubt, suspicion and coldness which existed a short time ago. This general increase of confidence in the community will, like a more genial atmosphere surrounding these subjects of reform, tend to make the success of reformatories greater in the future.

But how shall reformatories be conducted? The *family* system seems to commend itself as the best method, both from general principles and from observation and experience. Divine wisdom,

n the very constitution of society, as well as by its written law, ıas indicated *home*, or the nearest approach to it, as the best gency for training and reforming children. Children need, for heir training and happy development, morally as well as physially, a degree of liberty which shall allow the free play of their ature and capabilities, in the unrestrained intercourse of parent nd child and of child with child, in work and play and the *social* njoyments that cannot be obtained otherwise.

Individual freedom of action, under judicious supervision, is ery desirable as preparatory to future self-reliance and self-upport. A system, therefore, which requires *uniformity*, which oes not allow the free play of all the activities, and which does ot throw each upon her own resources and the exercise of indiidual judgment and choice, under judicious guidance, will not as ell prepare a girl to be returned upon society and to act upon her wn responsibily amid temptations. As the inmates of our penal nd correctional institutions are not prepared for the sudden tranition from close imprisonment to absolute freedom, so children and outh are not fitted for unrestricted liberty, without a previous reparation by the exercise of judgment, choice and self-restraint, hile under the guidance of a superior mind.

Again, the family system affords opportunity for cultivating a pirit of self-denial and of sympathy with, and interest and fellow eeling for, each other. It affords opportunity for acquiring nowledge for more complete usefulness hereafter, in being helpıl in various departments of household labor, in *little* services.

The family system affords opportunity for direct individual conıct, and that continuously, with intelligent, cultivated, refined, hristian minds, at an age most favorable for reforming and mouldıg the character. Who that considers the power of a single ıperior intellect over a community will not readily perceive the reat value of a system which admits and requires the continued resence of women of the character above described. If the roverbs, "like begets like," and "as is the mother so is the aughter," must be admitted to be true, so must that system be cknowledged to be preferable which admits of the most frequent ıd intimate intercourse with the moulding and transforming ower; and, in this respect, the family system is evidently superior any other.

Another advantage of the family system is the opportunity

afforded by it for the adaptation not only of instruction, but also of corrective and disciplinary measures generally, to the disposition, habits and *circumstances* of each individual, as occasions may arise. Every parent knows that correction and discipline, imperatively demanded for *one* child, would prove positively injurious to another, of different temperament and disposition. If this be true of an ordinary family, where the children are of the same flesh and blood and of similar inherited tendencies, and are subjected to the same early training and home atmosphere, how evident is the necessity for this individual adaptation of corrective discipline to girls, who must necessarily exhibit a wide diversity of natural disposition and traits of character, inherited tendencies and early training or lack of training. Correction and discipline cannot be apportioned to the children of a reformatory as rations are to an army. Rather, as the physician deals not out to every patient medicine uniform in quality and degree, but adapts it to each according to constitution and present symptoms, so in these *moral* hospitals must the constitution, tendencies, habits and present symptoms, or varying moods and inclinations, from time to time, of each girl be considered, and govern the treatment. Our experience in every house, year by year, adds weight to this feature in our management. A system of rigid uniformity we have felt would prove positively disastrous in some cases, whereas a departure from our ordinary course, as occasion seemed to require it, has proved not only salutary but, we believe, *saving*.

Miss Mary Carpenter, of Bristol, England, that wise and veteran worker in the reformation of girls, in a conversation with the writer upon this subject, remarked that she had often found that her new and inexperienced teachers supposed that the ordinary discipline and treatment were securing a reform, when she found, by personal contact and close observation, that certain girls who were wholly deceptive and hypocritical, had a fair exterior and, under the general mode of discipline, were going on cherishing heart-sins which, when opportunity presented, would develop into outward and great misconduct and ruin; but, by her direct instruction and peculiar discipline, seeking to bring them to a consciousness of their wrong state, she had led them to humility and true reform, whereas by a mere general administration of discipline, she would have passed over tendencies that would have carried them on in a course of sin and vice.

Again, opportunity is afforded by the small number of a family
or the formation of a higher tone of opinion and sentiment con-
erning right and wrong. The matron can more readily influence
nd bring into sympathy with her in thought and feeling a small
nan a large number, and thus create a public sentiment in the
mily, not only in regard to *its* laws and life among them, but
pon subjects generally, and upon the ordinary duties, relations
nd practices of life. It is evident that you can bring into sym-
athy with yourself, in thought, feeling and action, a group of six
r of thirty more readily than of one hundred or three hundred;
nd we all well know that the restraining, enlightening and re-
rming influence of public opinion of the circle in which we
ove is powerful, and thus, by a residence of months or years
nder the influence of such an elevated public opinion, the girls
re not only enlightened as to right and wrong, but are themselves
rawn into sympathy with the right for its practice as they go out
nto the strifes, turmoils and activities of life. The public opinion
f an institution, whatever it may be, will leave its impress upon
ie inmates. A student from a given school or college will
ford no doubtful indication of the tone of public sentiment
nd morals *in* that institution. The character and life will accord
reatly with that public opinion. At one time such was the
ublic opinion among the inmates of one of our reforma-
ries that a sadly large percentage, after their discharge, en-
red upon a course of crime and became inmates of the state
rison.

Finally and chiefly, an indispensable requisite to success in a
formatory is a class of workers whose natural endowments and
irit adapt them to the work. The standard of the family will
, not according to the *instructions* alone, but according to the
irit and example of the workers. The open bible which the
rls will mostly read is the speaking eye, the placid countenance,
ie calm tone, the spirit of patience and self-denial, and the *works*
daily love and kindness of the matrons about them. The
eat redeeming agency in reformatories, as in the world, is the
spel of God; but the gospel, as exhibited, not in instructions
one, but also in the *spirit* and *life* of the officers, in daily fellow-
ip with Jesus Christ our Lord. Thus shall the inmates best
ad and learn lessons of honesty, purity, meekness, patience, rev-
ence, love and prayerfulness. Many, from their ignorance of the

truth and from their aversion to it, will not *voluntarily* seek its influence and moulding power; but if thus brought into daily, hourly contact with a mind and heart enlightened by and in sympathy with God our Heavenly Father, exhibiting, amid all the cares, trials and labors of household life, the spirit of Him "who came to seek and save the lost," the dullest and most ignorant mind and the most hardened heart can but mark the wonderful contrast, and in many instances will be softened, moulded and transformed to a degree of conformity therewith.

As the father and mother in the family are to be, in some sense, representative of God to their children, as objects of reverence, confidence, love and obedience, exhibiting themselves the spirit of purity, love, sympathy, patience, forbearance and self-denying efforts for their good, the exhibition of which calls forth the exercise of these qualities in the child, so it is essential that workers in reformatories sustain a similar relation to these lost and wandering ones, by the possession of a character and spirit in sympathy with God.

All this exists in no visionary or ideal sense; but it has been and is to-day *actually illustrated* in the spirit and lives of some of the workers in our reformatories, and the result has been seen in the ignorant becoming enlightened; the lying, truthful; thieves, honest; the unchaste, pure in conduct and language; the indolent, industrious; the totally unreliable, faithful; the blasphemous, reverent and praying; the hateful and hating, lovable and loving; and these, not in *one* or a *few* cases, but in large *numbers*.

In closing, I remark, that *biblical instruction* and *influence* in these institutions are indispensable — are indeed of the *first importance*. If assurances of human sympathy are important for the reformation of their inmates, much more so is *divine* sympathy. If the knowledge of forgiveness from *men*, and restoration to their favor, is important, infinitely *more* important are forgiveness from *God* and restoration to his favor, through penitence, faith and *prayer*. And, not alone should a conviction be produced of the possibility of divine *sympathy and forgiveness*, but *also* of divine *help*, that amid all the temptations of a *depraved* nature and depraved *society*, there is *one*, within call of each, however weak or degraded, who hath power on earth not alone to forgive sins, "but *also* to *save* even to the uttermost." Jesus Christ should be set forth as a *present*, living, loving Friend and *Redeemer*.

If these biblical instructions can be maintained, as hitherto has been the case in most of our state institutions — well; if not, *hereafter* institutions, exempt from state control, must be established and maintained by those who seek *permanent results*.

Let such reformatories, so conducted, be multiplied either upon a large scale or in single instances, throughout our country, and many of our "waste places shall bud and blossom as the rose," and many hearts, thus saved, sing for joy both in time and eternity.

XXX. History of the Massachusetts Nautical Reform School.

By Captain M. L. Eldridge, Superintendent of the School.

The principal fact which gives prominence to the Massachusetts nautical reform school is, probably, that it is the first floating school established by state legislation, and the first ship-reformatory supported by state appropriations.

Every maritime nation of Europe has for generations indirectly encouraged the instruction of youth in navigation and seamanship. In the early part of the sixteenth century, Charles V established at Seville an institution for the instruction of mariners and pilots; and during the reign of Henry VIII several societies were incorporated in England for instruction in navigation, and during the succeeding reign of Elizabeth, the parliament, recognizing the importance of the fisheries as the nursery and school of young sailors, added a new fish-day to the weekly calendar, and, by heavy fines for non-observance, at once doubled the consumption of fish and the number of young seamen, and so rapidly did her realm rise in commercial and naval greatness, that foreigners called Elizabeth "the restorer of the glory of shipping and the queen of the North seas."

Nautical schools are now common in Europe, but they are not generally either floating schools or reformatories, but are conducted in buildings on shore, sometimes with masts erected, yards crossed, and furnished with the necessary sails and rigging for practice in seamanship. In England there are several ship-reformatories, which are reported as doing a good work. They are supported jointly by benevolent associations, by municipalities and by grants from the national treasury.

In the United States our nautical schools are of recent origin. In 1857 the city of Baltimore established a floating school on the same footing as her public schools, under the control of a board of government, composed of five members of the school board and two members of the board of trade. The ward ship Ontario was purchased and fitted for the use of this school, at a total expense of $10,000 or $11,000. As the boys do not live on board, but only remain during school hours, the ship will accommodate three hundred pupils. This school has been much crippled for want

f funds, and I think several unsuccessful applications have een made for state appropriations. My impression is that it as not been very successful. In 1859 the port society of harleston, S. C, established a marine school "to educate boys r the discharge of the duties of officers and seamen." The essel used was a brig called the "Lode-bar." Each boy was ndentured to the trustees of the marine school for a period of ree years; the trustees covenanting to "provide him sufficient eat, drink, clothing and lodging fitting for an apprentice for the id term of three years."

At the commencement of the war this vessel was armed, and I resume the school was abandoned. Neither of these schools aimed in any sense to be reform schools.

In Massachusetts the need of institutions of juvenile reform was ot felt until a comparatively recent date. The stern morality of er early settlers, their reverence for law and their recognition f the family, with all the rigor of its discipline, as ordained of od, insured, for many generations, a virtuous, obedient and law-biding posterity. The peaceful pursuits of agriculture employed he quiet and unambitious youth, while the more adventurous and eckless found congenial occupation in the prosecution of a profit-ble and expanding commerce. But with the commencement of nternal improvements and the introduction of extensive manu-actures, new elements were introduced into our social life, and the ncrease of juvenile crime and the number of endangered children emanded attention, and thoughtful minds were turned to the con-ideration of the possibilities of their reformation and rescue. In 826 the house of refuge in Boston was established, and in 1833 he Boston farm school was established on Thompson's Island, in oston harbor. It was designed, in the language of the act for its ncorporation, "for the education and information of boys who, om the loss of their parents or other causes, are exposed to extra-rdinary temptation, and are in danger of becoming vicious and angerous or useless members of society." The founders of this harity struck the key-note of reform in Massachusetts, and their uccess has been all that might have been expected of an institu-ion founded upon such a wise christian philanthropy.

In 1846, the initiatory steps were taken for the establishment at Westborough, in Massachusetts, of the first state reformatory ever lanted on this continent. The munificence of Hon. Theodore

Lyman, of Boston, for many years a manager of the farm school before referred to, greatly aided the work of founding this school. In 1859, this institution, which had sheltered not less than 2,500 boys, of whom more than 500 were the objects of its care and instruction, suffered the destruction of a large portion of its buildings by fire. In September of the same year, about a month after the fire, Governor Banks sent a message to the legislature, then in special session, detailing the extent of the disaster, reviewing at some length the progress of the school, and recommending the establishment of a nautical branch. The legislature passed the necessary resolves, and a commission was appointed to purchase and equip a suitable vessel. On the 5th of June, 1860, the schoolship Massachusetts was formally dedicated, and the work of the nautical school commenced.

Fifty boys were transferred from the Westborough school, with which our work of nautical training and reformation was to begin. Never was a public institution organized under greater disadvantages. The boys, as would be natural, were not selected for the mildness of their manners, or for their promise of early reformation. While the average age of boys committed to Westborough since the establishment of the school was less than thirteen years, we found over fifty to average seventeen years, the youngest being fourteen and the oldest more than twenty. Here were fifty boys, grown shrewd and initiated in vice, turned over for proper discipline and control to a handful of officers entirely unacquainted with the work put into their hands. With a single exception, the officers had never had any experience in the management of boys. But the discipline of our merchant service, with which the officers were all familiar, was of great value; and, with some failures and many odd expedients resorted to, the school was soon well-organized and launched upon the tide of what has proved successful experiment.

The school was hardly in good working order when the war commenced. The absence of fathers and older brothers in the army and navy removed the restraints which had held in check many wayward boys; and it was soon seen that the tide of disobedience and incipient crime was sweeping an unusually large number of youth into our reformatories. During the four years ending October 1, 1865, the nautical school received, by commitment from the courts, 713 boys, and 84 by transfer from the Westborough school,

naking 797 boys in all, while the school of Westborough received by ommitments above 496 boys; making a total of more than 1,200 eceived into our two reformatories in four years. It was found ecessary, during this period, to repeatedly notify the courts that ur institutions were full, and that no more could be received. till the pressure continued; and in 1865 an additional ship was urchased for the use of the nautical school, of sufficient capacity o accommodate 180 boys.

It is no wonder if, during the period of this great demand for oom in our reformatories, our boards of management should have lischarged those whose subsequent career has shown them but oorly fitted to be at large. There seems to be no duty devolving pon the trustees of reformatories whose performance they should e permitted to approach with more carefulness and independence han the discharge of inmates. But if the war contributed to ncrease the number committed to our school, it also made a demand or the services of such as were qualified to serve the country in he army and navy; and, during the four years to which I have eferred, not less than 162 enlisted from our school in these two rms of the public service. The demands of our navy for more nen left the merchant service but scantily supplied; and the nauti- al school furnished about 300 boys for our commercial marine.

The total number of commitments to this school down to October 1, 1869, has been 1,930. Of this number, 64 were recommitments, or boys returned either from probation or desertion. Two hundred and seventy boys were in the two school-ships at the above date, which leaves 1,596 as the total number discharged. Of this num- ber, 772 have been shipped on voyages at sea, 616 discharged on probation to go to employments on shore, 37 have escaped, 24 enlisted in the army, 11 have died, 7 have been discharged upon the expiration of their terms of sentence, and 129 have been trans- ferred to other institutions, chiefly to state reform schools. The average age of boys committed has been 14.8 years; the average time spent in the school, 10.9 months.

Having now imperfectly glanced at the history of the nautical school, I proceed to explain its plan and routine of operation. Our school is maintained in two ships — almost identical in arrange- nent — one at Boston and the other at New Bedford. These ships ave three decks. The lower one is the boys' dormitory, called the erth-deck, and is always in charge of a competent man. Here

the hammocks are swung at night and stowed during the day, being taken up with all the bedding for airing twice a week. On the same deck forward is the boatswain's locker and the carpenter's shop. Beneath this deck is the ballast of the ship, the iron water tanks and the ordinary lumber of the ship. On the next deck above we have, beginning forward the forecastle, accommodations for our seamen, the cooks' galley, and the steward's pantry, then a passage-way, followed by the mess room, some fifty feet in length, with suitable tables with their usual furnishings. On the after-port of this deck, and separated from the mess room by a partition, is the school room of the whole width of the ship and about fifty feet long, furnished with modern school desks, library, cabinet organ, mottoes and pictures. A trusty boy is promoted to the rank of assistant teacher, and has charge of the school room and library, while a suitable man has charge of the mess room.

The boys are divided into two watches, called the port and starboard watches, and attend school six hours on alternate days. While one watch is in school, the other is performing the labor incident to the proper care of the ship — the preparation of meals, making bedding, hammocks and clothing, repairing rigging and sails, exercising in the boats, and receiving instruction in practical seamenship. Boys are detailed to assist the carpenter, cook and steward, and in every department of labor throughout the ship. Some have thus acquired such knowledge as has qualified them to be shipped as cooks or stewards of other vessels, where they have given good satisfaction.

Each school, besides a principal teacher, has a female assistant. In Boston the wife of the teacher is his assistant, while in New Bedford the daughter of the teacher performs a similar service. The schools are divided into four classes mainly, and, in addition to regular class recitations, receive oral instruction in navigation and history, while some attention is paid to object teaching.

In the summer months our ships make frequent cruises along the coast, which relieves the monotony of a single location, affords facilities for acquiring nautical experience and geographical knowledge, brings the boys in contact with the best people of many communities, gives a wider range to observation and thought, and produces a more genial and contented frame of mind.

We have no chaplain, but our religious worship is conducted by clergymen and laymen of all christian denominations. A sab-

bath school has been organized on board the ship located at New Bedford, with a distinguished christian gentleman as its superintendent, and with an earnest corps of teachers. The result of this school has been extremely satisfactory. The generous and considerate kindness of the community has been a powerful agent for good in the management of this institution. Institutional life cannot fit its inmates for society alone and unaided. The elements of social life from outside must blend in the teaching and training of every successful institution. We have been greatly blessed in this regard. The objections commonly urged against the nautical school may practically be reduced to three. First: the impossibility of having the boys constantly employed. Second: its relative expensiveness from the exclusion of renumerative labor. Third: its design opens to the boys but a single avenue of useful employment.

Idleness is everywhere the bane of reform. Labor in a reformatory is its own reward. But this objection loses a part of its force when the number on shipboard is so far reduced as to keep a majority under instruction; then the minority can generally be well employed.

No good plan has yet been found for the successful introduction into our school or into the English ship-reformatories of mechanical employments, and so our schools must be more expensive than institutions on land by the amount of their average earnings. But it must be remembered that, as a boy's period of detention and discipline is to be supplemented by a voyage at sea, he may be discharged earlier from a ship-reformatory than from one on shore. Indeed, the increased cost is only apparent, for while there is an acknowledged excess in the weekly cost of a boy in the nautical compared with the state reform school, it must be remembered that the average time spent at the Westborough school is not less than thirty months, while at the nautical school it has been less than eleven months. But our school will not be considered unreasonably expensive if it be regarded in the light of an apprentice system for teaching a profession which will offer to many opportunities for the accumulation of property, and which will open to all the means of a competent support and a career of honorable usefulness.

As regards the third objection, it can hardly be urged seriously until our period of detention shall have been greatly increased.

for our boys are now discharged so young as to have ample time to learn any trade they may choose, even after a voyage at sea.

The advantages of the school over institutions on shore may be briefly stated. First: the diversity of labor on ship-board and the variety of position occupied in its performance offer a fine opportunity for the promotion of boys to minor offices of importance and responsibility, thus at once cultivating their self-respect and exciting a spirit of emulation and generous rivalry, which has the best effect in the acquisition of nautical information, gives promptness and celerity in all the evolutions of working ship, and can but be felt in the formation of character for a life-time. On our ship we have not less than fifteen petty officers, promoted from the ranks, who feel and know that, in the management of the ship, any delay, any ill-timed performance, or any neglect of duty must produce confusion and invite disaster. In any community, one of the noblest motives to correct action is the feeling of the individual that he is necessary to the common weal. Secondly: this school gives an opportunity to boys to enter upon a career of adventure with the preparation of direct education for the proper discharge of its duties, upon which they would otherwise have entered by the mere force of inclination, with an ignorance which would, at every step, have prevented advancement and success. A good proportion of our boys, sent on voyages at sea, have arisen to be officers in the merchant service, and some to minor offices in the navy, while one is a member of the naval school at Annapolis, a position he could not have hoped to reach but for the education and training received in our school. Thirdly: we have peculiar advantages in a sanitary point of view. The sea is the realm of health; the invigorating sea air strengthens and upbuilds constitutions enfeebled by long-continued neglect of the laws of health, or by the inheritance of disease. The general good health of our boys is the subject of frequent remark by those whose duty or kindness has led them to make repeated visits to the ships. The boys themselves often assure me that they never enjoyed such good health as they do on board the ship. Fourthly: we enlist as a teacher one of the most potent of instructors among the forces of nature, the sea. The voice of inspiration declares, they that go down to the sea in ships, that do business in great waters, these see the works of the Lord, His wonders in the

deep. And experience and poetry bear testimony to the sublime teachings which throng this great highway of nations.

> "Oh, who can tell, save he whose heart hath tried
> And danced in triumph o'er the waters wild,
> The exulting sense, the pulses maddening play,
> That thrills the wanderer of the trackless way?"

Again, the establishment of nautical schools, aside from their work of reform, achieved or attempted, is of incalculable benefit to our national commerce. Supposing the development of our nation's resources to proceed in the future as in the past, American commerce may almost be said to be yet in its infancy. With a territory but little less than that of all Europe; our shores washed by two oceans; with geographical advantage of lakes, gulfs, rivers and harbors, such as no other country possesses; with a fertile soil of vast extent, not yet disturbed by the hand of agriculture; with measureless coal fields, and mines of useful and precious metals; with heavy forests skirting our devious sea coast; with thousands of streams unvexed by the revolving water-wheel; and with nearly half the railroads of the world, it becomes plain that, with the advancing glory of the republic, our commerce shall yet challenge the admiration of the world. Let the sailor, then, be so educated that in every clime, and among all peoples, he may be a fitting representative of the patriotism, the intelligence and the virtue of the American citizen.

In reviewing and estimating the value of our work as a reformatory, we can but imperfectly exhibit the results of our labors. The best arranged tables of statistics are susceptible of drawbacks and explanations which materially affect their teachings. The humblest worker in material things can point to careful measurements of surface or volume, or bid his perfected labor pass in review, and secure at least the praise of industrious application. But there is no intellectual gauge to show the mental power evoked or the results attained by discipline. Nor is it just to the institution, or to those who have been its inmates, to attempt a final determination of its value till we are separated by a considerable length of time from the period of our labors. Many who run well for a season may be afterward hindered, and many who stumble and fall may rise to go on prosperously to the end. If due allowance be made for the fact that boys older in years and in crime than are ordinarily sent to reform schools have been committed to this institution, together

with one other fact that the average period of detention has been less than eleven months, it is believed that it may safely claim to have performed as good a work as reform schools generally achieve.

Ten years' connection with a reformatory has taught me that among the needs of our reform schools are, first, *better men;* second, a better and more uniform system of appointment; third, a revision of the laws of commitment, so as to give a better classification of inmates; fourth, the conferring of broader authority and discretion upon superintendents; fifth, greater care in placing out children who are discharged; and, last, in the hearts of their officers a more earnest, deep and noble enthusiasm, the offspring of a large and broad faith in God and the possibilities of humanity. True discipline is the proper combining of the elements and spirit of two dispensations. There must be the stern utterance of law, the unalterable "thou shalt not" of Sinai, mingled with the gentle and persuasive "come unto me" of the gospel. Law and justice and the philosophy of mind may be fashioned into a magnificent temple of discipline, but like that of Solomon, it will stand majestic, cold and dark, till the descending presence of love fills it with the glory of God. Without the element of christian love, the best appointed means and the most brilliant talents can but give assurance of splendid failures; with it, the humblest minds may achieve success, and the weakest hands may help to lift a sinful and discordant race toward the purity and harmony of heaven.

XXXI. Family Visitation of the Wards of the State as practised in Massachusetts.

By Gardiner Tufts, State Agent for this Work.

INTRODUCTION.

Juvenile offenders and dependents are everywhere a constant presence. What to do to relieve them, and be relieved of them, are questions ever before the public to vex and perplex. Tried methods are reviewed; and their results, satisfactory and unsatisfactory, are carefully studied to educe better methods.

The system which has thus far produced the best results is that which has come nearest in its conditions to a well ordered family, and the plan that individualizes methods and efforts the most may be considered the wisest.

To know more intimately the causes which operate to fill our pauper, reformatory and criminal institutions with juveniles; to scrutinize more thoroughly the ways of entry to them; to afford to accused children hearings in defense when arraigned; to watch with jealous care her wards after they pass out of the institutions; to know better into whose hands they are to fall; to bring all the important interests of children under the care of the state, outside of the institutions, within the purview of a central bureau; to test the "dispersion" theory to the greatest extent; and to make family government most largely subservient to the reformatory purpose, the state of Massachusetts has established a state visiting agency in the interest of vicious and unfortunate children; of it I am to speak to-night. In the thirty minutes assigned to me I can only give the outlines of this scheme. By a plain and simple statement, without illustration, I shall endeavor to present to your view the agency and its work; to show how it is carried on; what it accomplishes; and how it is hindered and opposed.

The name by which the bureau is designated obscurely indicates its character and purpose; indeed, it misleads to the belief, in the minds of some, that it is a sort of detective agency created by the state in deference to the opinions of those who hold that our correctional and reformatory institutions are abodes wherein helpless unfortunates are wronged and oppressed, and that we are set to ferret out the cruelties the officers of the several institutions

inflict upon their subjects, and bring to light their methods of self-aggrandizement.

The agency is not a censorship to inspect the manners or morals of state institutions, much less of the officers. It is a part of the reformatory plan of the state, in which the institutions have a place in harmony with every other part of the system; intended to do a work in connection with, but outside of, the public institutions, not before attempted; not antagonistic to, but consonant with, the underlying purpose of all reformatory effort. By following out into more extended practice than heretofore approved methods of dealing with juvenile offenders and dependents, the agency becomes an outlook for a more "excellent way" that may lie beyond, while, with existing modes, it "keeps the unity of the spirit in the bond of peace."

The agency began its operations July 12, 1869, under an act of the legislature of that year. Its powers were newly defined and somewhat enlarged by the act of Julne 15, 1870. It will therefore be observed, at the outset, that we bring to this discussion the experience of but fifteen months. In the progress of these remarks it will be seen that "*family visitation*" is but a part of the work with which we are charged.

The duties of the agency are wholly in connection with juveniles, and those of two classes, viz., the wards of the state and those liable to become such. The wards of the state are the children in the public correctional or reformatory institutions and the primary school, and also those placed out therefrom not discharged from custody, and those received by the visiting agent from the courts and placed out by the board of state charities, without having entered any institution. Those liable to become wards of the state are boys and girls under sixteen years of age, arraigned before the courts for any offence not punishable by imprisonment for life, except offences against city ordinances or town by-laws. This latter class comes under the cognizance of the agency by an official notice from the magistrate the moment complaint is entered against them. These classes include boys and girls, offenders and dependents.

The business of the agency relates almost wholly to children outside of the institutions, and never to those inside, except upon propositions for their removal therefrom. It is essentially an out-of-door agency.

The duties of the agency in reference to the juvenile wards of

the commonwealth and the children liable to become so, can be clearly seen in the language of the statute under which it exists. As the statute is too long to introduce here, I will remark that it inaugurated a surveillance of those juvenile wards not before attempted or provided for. It extends over all such children a supervision found essential by experience in limited sections; it guards their disposal by indenture or otherwise with great care; it offers to accused ones a friendly counselor, and brings under the central control and direction of a state officer the varied interests and welfare of the numerous family of unfortunate and depraved youths outside of state institutions — those once there, or tending thitherward. To speak in statutory language, the requirements are — to visit as often as once a year all children maintained wholly or in part by the state, or who have been indentured, placed in charge of a person by any state institution, board or officer of the commonwealth, or under any provision of the act establishing the agency; inquire into the condition of such children and make such other investigations as may be necessary in relation thereto; to investigate all applications to take children by indenture, adoption or otherwise, and also all applications for the release or discharge of children; to seek out suitable persons who are willing to adopt, take charge of, educate and maintain children arrested for offences, committed to any state institution, abandoned or neglected; and, when complaint against any boy or girl, for any offence, is made or pending before a magistrate, to investigate the case, attend the trial and protect the interests of or otherwise provide for the child.

The proceedings of the agency will be exhibited under the divisions above appearing, beginning in reverse order with —

ATTENDANCE UPON HEARINGS BEFORE COURTS.

This duty is the most novel of those prescribed by the act; and as the court is the door through which offenders enter correctional and reformatory institutions or become subjects of the agency's cognizance, and as arraignment is the beginning of wardship and guardianship, the duty is important. In that incipient stage the merits of the case are more clearly discovered. The presence of the agent of the state at the court as the friend of the child tests more thoroughly the question of guilt or innocence: if guilt is found, there comes with such finding, from the inquisition he

makes, a knowledge of circumstances, motives, traits and characteristics, which shapes the remedial and reformatory processes in their applications to the case in hearing.

By the act of 1869, the attendance of the agent was limited to cases arising before the judge of the probate court, with a view to commitment to a state reformatory, and the judge was required to give the agent a week's notice by mail.

The limitation to a single class of cases was not considered wise in the light of experience, and the delay occasioned by the requirement of a week's notice was not acceptable to the officers of the law, and sometimes proved a hardship to the accused.

Under the present law, only sufficient time between the notice and the hearing to allow an investigation of the case by the agent is required, and all cases of minors under sixteen years of age — save the exceptions already cited — are subjects of official notice to the agent, and his attendance upon the hearing thereof is enjoined.

By the present mode of proceeding the agent has from one to four days' notice of the pendency of cases. The time intervening between the notice and the hearing is employed, or so much of it as is necessary, in making inquiries into the facts and circumstances of the case — the situation and surroundings of the child at home. When the case comes up before the court the agent subjects the witnesses to such examination on the specific charge as appears desirable, after the judge has heard their testimony. If previous examination has satisfied him that the child is not a bad one, he presses the close examination of the witnesses more vigorously in order, if guilty of the specific charge, that it may be proved, endeavoring to secure for the accused the benefit of every doubt and push defense to its limit.

If, on the other hand, previous investigation had clearly shown such badness of character or such debasing surroundings as to require the restraint of the accused or the lifting of him or her from a pernicious location, the agent does not attempt to rescue the child from the toils of the law and from reformatory processes by breaking down the specific charge, because the evidence is weak. The rule is to do that which seems best for the child, whether it be to secure a committal or discharge.

After the case has been decided by a finding of guilty, the question arises, what shall be done for and with the child?

The judge may punish by the ordinary methods of fine and imprisonment, he may commit to a state reformatory, he may put on probation, or he may, on request of the agent, authorize the board of state charities to take and indenture, or place in charge of any person or in the state primary school, such child until he or she attains the age of twenty-one years, or for any less time.

It will be observed that this last provision opens an entirely new field, so far as Massachusetts is concerned, for the disposal of juvenile offenders. It is a broad field; let me repeat the permissions: to take and indenture — to place in charge of *any* person — and to put in the primary school. As our experience runs, these permissions are wise.

The judges in their wisdom accept these means of disposal gladly; they seem to meet a want for a way of restraint and reformation known to have existed unsatisfied.

There arise in the courts, besides the cases of inbred depravity and vicious tendencies that need the more rigorous and sure restraint of our reformatory institutions, cases of offence that are peccadilloes or grave offences due to circumstances and not to depravity.

The records of the agency show that a very large majority of those arraigned before the courts come into the relation of offenders from the want of homes and the absence of the kindly influences of the family; not that most have not parents living, but *rum*, *poverty*, or the *mental* and *moral incapacity* of parents has destroyed the homes, and made an absence worse than death creates.

The question which concerns the agent is not so much one of guilt or punishment as one of remedy and reform, and to this he solicits the attention of the judge with frequent success. If the boy or girl is bad, notwithstanding favorable conditions for good behavior, and repeated trials of other methods have failed to secure exemplary conduct, he or she goes to an institution where restraint accompanies reforming opportunities; if the child has become obnoxious to the law by force of outward circumstances or unfavorable situation, and does not need any intermediate discipline, the agency offer to him, through the judge, a home upon a farm, or a place in a workshop in a country town, where the influences are healthful. If the child is a little waif, as some are, ignorant of right and wrong, obnoxious because of his ignorance,

and not old enough to place out, we open to him the door of the state primary school, where he is reckoned neither as a pauper nor a criminal, but has a chance for both mental and moral growth. If the offence of the convicted one appears exceptional to his general good conduct, and his appearance and surroundings are such as to give promise of future correct behavior; in case it is the first offence, he is put on probation, with the injunction: "Go, sin no more," and becomes one of the wards of the agency by adoption, over whom we exercise such guardianship as we may. If there is hope, without strong promise, that the offender may do well if released on probation, he is formally and legally committed to the visiting agent for the board of state charities, and comes under his control, independent of the parents, except as the agent permits, and the child is allowed to return to his parents and remain with them as long as he does well; although he may remain with his parents or friends, he becomes a ward of the state by due process of law, and a subject of visitation. Those intended for the primary school and those placed in the custody of the agent for indenture are also legally committed to the board of state charities. It will thus be seen that under this law we are enabled to provide for classes of juvenile offenders that are not proper subjects for the correctional or reformatory institutions, and to carry into radical execution the idea of family government as a remedy for juvenile offences, by transferring the child directly from the vile surroundings of the street and debased neighborhood and the absence of home to the salubrious air and healthful condition of a well-ordered family in in an upright community.

In pursuance of the duty to

SEEK OUT SUITABLE PERSONS WHO ARE WILLING TO ADOPT, ETC.,

We find a sufficient number of places adapted to the characters, conditions and inclinations of all the children deemed proper subjects for individual care, and who need no other discipline or influence to insure correct habits and useful pursuits than is furnished by membership in a good family and is attendant upon a home.

The persons "who are willing to adopt, take charge of, educate and maintain children arrested for offences, committed to any state institution, abandoned or neglected," are sought out and found while making visits to the wards of the commonwealth, who are scattered all over New England.

As the business of the agency becomes known, the number of applications for children made to the office increases, so that we are sought for while we seek places for the children; *but* the duty is to seek out persons. Whether seeking places or investigating the places offered for children, pains are taken to ascertain the construction of the families, their internal methods and arrangements, the characteristics of each member, and the controlling and directing faculty of the heads of the families. There must be, in the person to whom the charge of a child is committed, a certain kind of ability or tact to govern, a perceptive faculty to detect, and a moral power to appreciate, the character of the child, both in its weakness and strength — his or her upward aspirations or downward tendencies. If we can place an erring child with one "who has been touched with the feelings of our infirmities," because he has been tempted in all points as we are, one who himself has sinned, paid the penalty and obtained the victory, we have secured a guardian who will be both wise and benevolent; the result of such commitment is not doubtful. When one discovers in himself those evil tendencies which exist in all, and which crop out into open sin with some, he will have gained such knowledge and compassion as will enable him to act wisely and kindly toward all the erring.

In the administration of our office we are frequently called upon to reject the applications of very respectable people, because of their lack of fitness for the peculiar work of bringing up children, rescued from the ways of evil. But one of the most pleasant, as well as the most promising, features of our work is found in the fact, that there have been always ready and available persons, well adapted to receive and care for such children as we have for disposal. The openings in manufacturing towns, cities and the great west for young men and women reared in the country homes of New England, make vacancies in those good old homes which the staid and worthy parents who remain behind gladly fill, so far as they can, with the homeless ones who multiply in the adverse localities — those whose lack of training makes them dependents or offenders in society, as homes and good training made the first named independent, and conservators of morals; their vacated places those less favored in parentage and situation may have, and they receive therein and thereby the salutary guidance which led the absent sons and daughters by the path of integrity to greater

activity and larger fields of usefulness. That agency works with saving power which makes available to the homeless and the subjects of debasing influences the opportunities for salubrious abode and good training that such progressive emigration leaves open. Such changes are transplantings that quicken the original growth, and fill out the shriveled and gnarled forms with the juices of vigorous, comely life.

INVESTIGATIONS PRECEDENT TO RELEASE OF CHILDREN.

As already stated, our connection with children in the public institutions commences when application for their indenture, adoption, release or discharge is made.

Applications for children by indenture come from those who want service; those by adoption, from persons who are childless; and those for release or discharge, from parents and friends.

Although many good persons apply at the institution to take children by indenture, most desire them to *work*, and have in view mainly the *pecuniary value* of the child. Those desiring to adopt children usually seek for orphans among the dependent ones, not among those commited for offences. The application of parents or friends for the release or discharge of children is of course very frequent and urgent.

All these several classes of applications receive thorough investigation. It is imperatively demanded. We do not trust to accompanying recommendations and accept them as guides to action, but by personal visits to the neighborhood and family of the applicant, we determine for ourselves what is expedient and right.

Recommendations accompanying applications are found, as a general thing, valueless. The parties recommending sometimes supplement their indorsements with private letters to the agency, stating the recommended parties as unfit persons to have the custody of the child in question.

Investigations reveal that a majority of all signers to petitions or recommendations have no knowledge of the parties applying for the child, and that their signatures were given to accommodate intermediate parties. The discharge of children from the state institutions does not rest with the visiting agent. His duty is "to investigate into the propriety thereof," and report to the boards of trustees. If, however, any child is disposed of contrary to his

report and recommendation, he is obliged to report all the facts in the case to the board of state charities for their action. Many applications of parents are unfavorably reported upon, because the same demoralizing influences exist at home as existed at the time and was the cause of the child's commitment. A release would result in placing the child in the path of evil from which he was taken, and from which the thoughts had been turned by the processes of reformation. The influences of unfit homes are the certain promoters of moral relapse and the overthrow of the best formed purposes.

FAMILY VISITATION.

From the duty of visiting the wards of the state placed out in families, the agency derives its name. As often as once a year the agent or his assistant shall visit all children maintained, etc., by the commonwealth. In the performance of this work the four hundred different cities and towns in which the juvenile wards of the state are placed are divided into four districts; each one is assigned to an assistant who visits the children of his district as often as he can. He is supplied with a field book, showing the location of all the children in his district, and record slips on which he places the result of his visits, which reports are transferred to the permanent records of the office. All affairs of the children of his district are committed to his examination and report, and he is expected to gain an intimate knowledge of both wards and guardians.

Some of the wards are not seen often, while others are visited every few weeks. The more unsatisfactory the condition of things the more frequent are the visits, with a view of bringing affairs into a healthy condition. Some relationships need frequent adjustment to insure harmonious action and beneficial results. To keep some children in their places, the agent must often appear to them to keep alive in them the knowledge of their relation to the state and to society, to prevent them from running away, to encourage them in their discouragements, to heal their "oft infirmities" of purpose, and to shape aright their dispositions.

An intimate knowledge of the habits, wants and progress of the child is sought, as well as a thorough acquaintance with the person in charge of him, that we may know the character and effect of his teachings and discipline.

We strive to obtain the good-will of the children — seek to gain in the heart the position of best friend. Presents of books and

useful articles are made, as tokens of our good-will and as encouragements to the children.

Changes of children from one place to another are sometimes made to secure adaptability, even where the action and conduct of neither ward nor guardian can be condemned. The matter of special fitness to particular cases is of great importance; without an intimate knowledge of the animating purpose of the child, his or her moral and mental bias, every effort for reform and elevation will be weak, if not utterly powerless for good.

By adding memoranda of visits to the previously procured histories of the children, important data are obtained, which offer lessons of instruction and rules for future action.

WHAT THE AGENCY ACCOMPLISHES.

Having spoken at length about the work of the agency and how it is carried on, I will mention some things which it accomplishes.

By the attendance of the agent or his assistant upon the courts, there is secured for each child arraigned a full hearing; the acquittal of some who would otherwise be punished; the probation of many who would otherwise be committed; homes for many who have none either in fact or name, and who, but for the intervention of the visiting agent, from the mere absence of homes, would be inmates of public reformatory institutions during minority, or successful candidates for houses of correction and jails.

One hundred and three such children have been placed in families direct from the courts since the agency commenced its work; only eight have gone beyond its control, and they have not again troubled the officers of the law, and five were subsequently committed to reformatory institutions; the remainder are doing well. Children taken direct from the courts and placed in families do as well as those placed out from the institutions.

Under the law of 1869, thirty cases a month, on an average, arose before the courts, of which the visiting agent had notice. Under the present law the average is about one hundred and fifty; from one-fourth to one-fifth of this number are committed to public institutions; one-seventh are taken by the agent, and the balance are put on probation or discharged.

During the term of our office 797 complaints have been made against juveniles before the courts, of which the agency had notice; 86 of the arraigned were sent to the nautical school; 90 to the state reform school; 42 to the industrial school for girls;

were put in charge of the visiting agent of the board of state rities; 171 were put on probation; 149 were discharged; 52 e fined; 43 entered private or local institutions; and 31 failed appear at the hearings.

The result of the present system of "seeking out persons to e" charge of children is the procurement of a better class of sons.

The result of the present plan of "investigating applications for enture, adoption, release and discharge," is a more complete wledge of the character and surroundings of the applicants, , consequently, better means for discreet action in the disposal children.

The result of the system of "visitation" is a comprehensive wledge of, and a thorough acquaintance with, the condition, nts and progress of our children, and the effect which the reform- ry appliances and methods have had and are having. The work ich the agency does in obtaining a history of results we deem y important, as such data must afford the wisest rules for future ion.

By the visitation, already made, the result of the reformatory thods of the state, in the cases of 2,316 children who had been the public institutions, has been shown, covering a period of en years. Of that number 1,171 were found doing well; 838 e found *not* doing well. Of this latter number 118 have been, re now, in correctional institutions; 67 are again in reformatory itutions, and 40 in charitable ones; 67 of the boys entered the y and navy during the war; and the remainder of the 2,316 are d, or gone beyond the knowledge of the state.

The "visitation" keeps those placed out from absconding by reasing the means of recovery; impresses them with the useless- s and disadvantage of escape; corrects grievances; and regulates disturbing forces. Every day's experience makes more firm belief that visitation is an effective measure in the reforma- y scheme. The more frequent the visits, the more effectual will the work.

HOW THE WORK IS HINDERED.

Our work is hindered by the efforts of unworthy and unsuitable ents and friends to obtain the children in charge of the state. e well-being of many a child for whom the state has provided

a home better than he or she ever had before is interfered with by the intrusion of parents; the result of possession by the parent would be the child's ruin. This unfavorable influence is often plied by the most indirect means, though such are not less fatal than the open attempts to gain possession.

The work is hindered by a lack of faith in the better portion of the people in the recuperating power of offenders, and their restoration to ways of righteousness. Distrust casts its suspicious glance toward every one accused or who has been restrained, always crying against beliefs in their well-doing, "Do not trust to apperances." We have yet to find any one whose faith and patience has gone beyond seven failures on the part of a child to do well, although seventy times seven is the christian injunction.

We are opposed and hindered by the spirit and policy of police organizations and systems, with noteworthy exceptions; the most ignorant and unworthy members offering the greatest amount of opposition. This feeling comes naturally enough. Trained in the school of punishment which demands penalties, they have been taught to overcome evil with force, not with good. They are tried by the false standard of the number of arrests made and convictions secured. A system that reduces arrests and convictions, as does the one under discussion, is looked upon with distrust.

I can but briefly allude to a single defect of the plan I have endeavored to unfold: that of indenturing children without the consent of the parents, and keeping the parents in ignorance of the children's whereabouts. When a child is taken from the control of unsuitable parents, it is absolutely necessary, in order to hold the child and succeed in the reforming work we have undertaken, to keep the parents in ignorance of the whereabouts of the child. Yet there is an element of inhumanity in such a course and a consequent weakness in the policy; which must be regarded as a defect in the present scheme. The whole matter of the indenturing of children by public authorities might be profitably reviewed and desirable improvements suggested, as the children indentured by institutions are subject to similar unfavorable influences, though less direct.

CONCLUSION.

As intimated at the outset, I have been enabled only to touch upon some points of that part of the system of the Massachusetts

state charities that attempts to watch and control the doors which lead to her criminal and reformatory institutions, in order to detain from entering any who may not need such care or restraint; to supervise the departure of inmates from such institutions; to prevent the loss of good instructions and discipline by their re-entering into vicious ways and surroundings; and to regulate all the affairs of juvenile offenders and dependents outside of public institutions. In a word, I have endeavored to present the "out-of-door" work of Massachusetts in connection with and in behalf of juvenile dependents and offenders.

XXXII. On the Responsibility of Parents for the Maintenance of their Children in Reformatories and Certified Industrial Schools.

By Miss Mary Carpenter, author of "Our Convicts," Superintendent of Red Lodge Reformatory, etc. etc., Bristol, England.

From the commencement of the reformatory movement in Great Britain, the originators of that movement have deemed it a most important and fundamental principle that the responsibility of the parent for the maintenance of his offspring should not cease, because the privilege which he enjoys as sole guardian of the child has been withdrawn from him by the state, and because his inefficient discharge of his duties has been the occasion of injury to society.

Parental authority is very jealously guarded in our country. A young person cannot bind himself legally to learn a trade without the signature to the indenture being affixed by the father if living, or the mother in case of his death. Any case of abduction of a young person under the age of sixteen which occurs, even with the consent of the child, is liable to punishment, and excites warm public indignation. Interference in any way with parental authority is always strongly resented. It is necessary to make out a very strong case of misconduct on the part of the parent to substitute for his the guardianship of the law, and to make a young person a ward of chancery during the life-time of the father.

The law of England also watches over the physical safety of the child, and requires that the parent shall obey the universal law of nature in providing nourishment for his offspring. The poor-laws are intended to secure that no one shall be without necessary food. If then a father neglects to provide this for his children, and they are thrown on the parish resources for support, the guardians of the poor prosecute him for the expense in which he has thus involved them, and compel him in future to discharge his duty, if he would escape the prison. From time to time cases occur in which parents have treated their children with absolute cruelty, as well as neglect. These, when proved, excite extreme popular indignation, and are severely dealt with by the law. The celebrated case of the Welsh

fasting girl, in which the anxiety of the parents to keep up a fraud which they had long been practising on the public, without any bad intention toward the unhappy girl, who eventually died of inanition, shows that the law holds the parents responsible for the life of the child, and guards the rights of the youngest human being who is a subject of our empire.

In our country, the added duty and responsibility of the parent to provide for his child not only sustenance for his body, but food for his mind, and the means of developing the powers given to him by the Creator, has not been hitherto recognized by law. Present legislation will, it is hoped, lead to this great principle being accepted by our government, as it was in the original settlement of New England. Benevolent effort has long been directed to ameliorating the condition of children whose exposure to the temptations of the world at an immature age, through the neglect of immoral parents, puts them in a position which must blight their early years, and prevent the possibility of their ever becoming respectable, self-supporting citizens. The "philanthropic" and other societies have, from the commencement of this century, endeavored to meet the necessities of such cases, and to save such children from moral destruction. But the law did not interfere, and delinquent children were dealt with under the same criminal law as hardened adult criminals. The enormous injustice to the child, and the great evil to society, of such a course, had long attracted the attention of those whose official position brought them into contact with such cases; and the opinions of many such were recorded before the lords' committee on transportation and juvenile offenders in 1847, and the commons' select committee on prison discipline in 1850.

The danger, however, presented itself to all who anxiously desired to check the growth of juvenile crime by proper education and training rather than by imprisonment, that impunity may thus be given to parental neglect, and that thus a serious injury might be done — a premium afforded to crime — by the very attempt to avert it. Such a danger would be more imminent in our country, where considerable difficulty is felt by the laboring classes in maintaining their children, than in others, where labor is more valuable, and where the mere deprivation of the services of his child would be a serious evil to the parent. If, it was argued justly, a man is compelled, if able, to support his family, and

punished, if by his own neglect he throws the burden on the parish, why should not equally stringent regulations enforce the charge of maintenance on those who not only throw the burden of their children's bodily wants, but of their moral training, the most expensive item, on the state? That a provision to enforce payment on parents ought to form an important feature in any government regulation for such schools was strongly felt by a committee appointed at the sessions of the justices of the peace for Middlesex, in 1846, to report suggestions for checking the growth of juvenile crime. In the petitions founded on these suggestions for the establishment of reformatory asylums, it was specially provided that "the parents of the child be compelled to pay for his maintenance, as directed by the poor law act." In the committee of the house of lords of the year following, witnesses of high official experience gave evidence to the same effect. Among others, Mr. Sergeant Adams thus clearly and strongly expresses his opinion: "It appears to me that our present system is a premium on persons in low life to make their children thieves. We know that the provision for children presses very hard upon persons in low life. The moment a child is convicted of theft he ceases to be a burden to his parents. In like manner all expense is taken from the parish. It is thrown, if you sentence him to imprisonment, on the county at large; if you sentence him to transportation, on the country at large. The effect of this system is, that you embark all the lower and more sordid feelings of the human mind against you."

In December, 1851, a conference was convened at Birmingham to consider the subject of juvenile delinquency, which had become of increased importance to the state, in consequence of increasing difficulties respecting transportation. It was summoned by judges, recorders, directors and governors of prisons, managers of institutions for neglected and criminal children, and various gentlemen of high legal position. All concurred in recommending that, as the basis of all legislative action in the establishment of industrial or reformatory schools for the legal detention and reformation of juvenile delinquents, there should be a power to obtain payment from the parent, except in cases of inability. "The parent has a double duty to discharge toward his child," it is stated in the programme of the conference—"first, to supply him with the means of subsistence; secondly, to train him in the way he should go. It is therefore assumed that, by neglecting the second part

of his responsibility, he ought not to be permitted to escape the first."

This principle was fully admitted by the conference. The responsibility of parents to contribute toward the maintenance of their children, when legally removed from their care for the moral safety of the child and the security of society, was insisted on strongly by the witnesses who were summoned to give evidence before the select committee of the house of commons on criminal and destitute juveniles, which sat in 1852, '3. The first witness, Captain W. J. Williams, had been an inspector of prisons for sixteen years, and his long experience had led him to feel strongly on the existing state of the law regarding juveniles. In the draft of an act which he had drawn out for providing reformatory and industrial education for juvenile offenders, he introduces a special clause for obliging parents to pay the expenses of the child, either wholly or in part. Mr. Matthew Davenport Hill, Q. C., who, as recorder of Birmingham, had given his especial attention to the best mode of treating young offenders, thus states his opinion on the importance of the principle in his very philosophical and lucid evidence. (Minutes of Evidence, 414.) "Now, with regard to the minor offences which do not involve dishonesty, we think that it might be harsh to say that the parent had entirely waived his rights over the child, and therefore we only interfere in those cases in a qualified manner, by making it compulsory that he should send the child to school, not depriving him of the society of his child altogether. But when an offence is committed which involves dishonesty, and which shows that the young person has entered upon the career of crime as a calling, as a means of subsistence, then matters take a very different appearance; and then, inasmuch as by the ordinary course of law, as at present administered, the child would be separated from his parents and shut up in prison for a time, we think it but reasonable that, if he is for his own benefit subjected to a more lenient treatment by way of reformation, still the state should assume all the power over the child. At the same time, it is not because the father has abandoned his *rights* that the state is to allow him to abandon or neglect his *duties*. With respect, therefore, to his maintenance and training in the reformatory school, to which he is then to be sent as a boarder, to remain there until his reformation is completed, if the parent can pay all or any portion of that expense, we think it

most reasonable that he should be compelled so to contribute: and, moreover, we think that, without reference to the pecuniary profit, it would be vindicating a great principle to *force him* to pay, even if the machinery by which he was forced to pay were so expensive as that nothing which came from him ultimately went into this fund; so important is it to make parents feel that, in suffering their children to acquire habits of crime, they are bringing burdens upon themselves, and so important is it to make them understand that, in this country, no man is to be a gainer by his own misdoing."

The select committee thus reported to the house at the close of its second session in June, 1853:

"That reformatory schools should be established for the education and correction of children convicted of minor offences.

"That such reformatory schools should be founded and supported partially by local rates, and partially by contributions from the state, and that power should be given for raising the necessary amount of local rates.

"That power should be given to the government to contract with the managers of reformatory schools, founded and supported by voluntary contributions, for the care and maintenance of criminal children within such institutions.

"That the delinquency of children, in consequence of which they may become subjects of penal or reformatory discipline, *ought not to relieve parents from the responsibility to maintain them.*

"That, in any legislation on the subject, it is essential that power should be given, under such restrictions as may be necessary to prevent hardship or injustice, *to recover from parents the whole or a portion of the cost of the maintenance of their children while detained in reformatory institutions.*"

When the reformatory schools act became a law on the 10th of August, 1854, this principle was established (clauses V and VI), and is maintained in the act consolidating all previous reformatory acts in August, 1866.

The English reformatory act is rather permissive than compulsory. Those who had devoted themselves to the work of establishing the system of juvenile reformatories on a satisfactory basis believed in the importance of enlisting voluntary benevolence in the great work; of leading society to feel itself respon-

sible for those children; and of establishing the important principle of the responsibility of parents. The principle of establishing and conducting all reformatories by voluntary effort, as contemplated by this first short but most important act, has been increasingly appreciated by the country and successful in its results. No sooner has the want been felt of more reformatories, than it has been supplied by the establishment of new institutions; and though, at times, the managers have paid very dear for valuable experience, yet there cannot be a doubt that the system and plans generally adopted in reformatories throughout the kingdom are better adapted to their purpose, than any that could have been brought into operation by a purely official system, however excellent. On both these points the last report of H. M. inspector, sent herewith, bears testimony.

The second point, which was considered an important one by the founders of the reformatory movement, that of recognizing the responsibility of society for its own criminal children, presented practical difficulties in our country which could not at first be overcome. The ancient common law of England laid great stress on the responsibility resting on the inhabitants of a district for the good order of the whole. By the old law of frankpledge, the existence of which has been traced nearly to king Alfred's time, the freeholders of a district were sureties for the good behavior of one another; and the law still remains, by which the owner of property destroyed by a mob may claim restitution from the hundred. It would not be right, therefore, that the cost of the juvenile crime of any district should be thrown on the country at large, but that it should contribute at least a portion of the expense involved by such delinquency. It was not, however, until August, 1817, that a law was passed to develop this principle.

By this act, justices of the peace of counties, or the council of boroughs, may contract with reformatories for the reception of their own delinquent children, agreeing to pay to them such sum toward maintenance as may be agreed upon by them with the manager. Though this is simply permissive, not compulsory, and though at first there did not appear to be any great disposition on the part of magistrates to carry out the intention of the act, yet the reasonableness of the arrangement was so apparent, and the appreciation of the value of reformatories increased so rapidly, that the grant of money by counties or

boroughs toward the maintenance of sentenced children became the rule rather than the exception, thus somewhat relieving the treasury, and assisting the institution which received the child. At the present time, twenty-one counties or boroughs thus contribute weekly sums toward maintenance of children (girls) in that institution alone which is under my management.

The third great principle, the responsibility of parents, on which our reformatory act was based, became increasingly of great importance. Though England was late in the reformatory field, and the principle had not been hitherto acknowledged or developed, yet the convictions of the reasoning part of the community were strongly in its favor. The experience of our neighbor, France, added immense weight to this conviction. We had long looked to that country as our leader in this great cause; De Metz and Mettray were household words among us; those who had visited that wonderful institution came back full of enthusiasm for the great work. That a child acts "*sans discernement*," and must be treated as a child, became our watch-word as it was theirs, and the principle on which Mettray was founded was so thoroughly accepted in France, that "*colonies agricoles*" were starting up everywhere. A great shock was therefore experienced, when, after an extension by the government of reformatories for young delinquents, a report appeared in the Moniteur of May 17th, 1854, issued by M. de Persigny, the minister of the interior, showing that there had been a rapid and alarming increase in the number of juvenile delinquents since the reformatories had multiplied. Serious offences had remained at about the same average amount. But the number of children charged with "*simples délits*," trifling offences, had doubled, while the sentences consigning such offenders to detention for correctional training had multiplied eightfold. Thus the means adopted to diminish juvenile delinquency appeared to have stimulated and increased it. M. de Persigny assigns as the *first* cause of these very undesirable results, "the tendency of depraved and needy parents to make their children criminal, or to leave them to become so, for the sake of being wholly relieved of the burden of their maintenance and education during their childhood and early youth."

It was evident to us that the true remedy for this serious evil was to provide by legislation for the compulsory payments of parents and step-parents, wherever possible, toward the mainte-

nance of the children who were thus thrown on the care of the state, and it was determined that no effort should be wanting on our part to carry out the principle, which was already recognized by the reformatory act.

The first enforcement of so new a regulation was attended with some difficulty. Proper machinery had to be provided, and the unwillingness of officials to develop a new principle to be overcome. The indignation of bad parents at being obliged to pay for what they did not wish to receive was very great. The first case of compulsory payment took place at Bristol, in March, 1856, and we regarded it at the time as one of our "*causes celebres.*" (Vide report in the Bristol Advertiser of March 8, 1856.) We had soon reason to congratulate ourselves on the course which had been taken.

After the establishment of the Red Lodge girls' reformatory, the first for girls in the kingdom, numbers of parents endeavored to obtain the admission of their daughters, whom they regarded as hopelessly bad, and certain to fall into serious crime if not rescued. Not one who had thus applied to me for admission persevered in her efforts to obtain it, when I informed her that the girl must be regularly convicted by the magistrates, sentenced to the school after a short imprisonment, and that the *parents would have to make a weekly payment toward her maintenance.* The same danger was afterward more imminent in the case of the certified industrial school for boys, which I established in Bristol in 1850, soon after the passing of the act. As there is no preliminary imprisonment in these schools, parents were more anxious to throw off on them the responsibility of troublesome children. The intimation of the necessity of payment always made the parent withdraw from the attempt to get the boy into the school. I have indeed never met with a single case, during an experience of nearly fifteen years, in which a parent has willfully thrown a child into the commission of crime to obtain admission to a reformatory. The experience of other managers will probably be the same as my own.

After sixteen years of valuable experience in reformatory work, we are now in a position to point to results, and to record the experience of those who have anxiously, wisely and conscientiously developed this movement. This we are more easily able to do from the fact that all the reformatory and certified industrial

schools have been placed from the first under the official inspection of the Rev. Sydney Turner, who had for many years previously gained the confidence of the government as well as of the public, in his position as chaplain and general superintendent of the large Red Hill reformatory. There has been, therefore, considerable unity of action among us. Among those who, from the very first commencement of the movement, have earnestly and perseveringly devoted themselves to its success, one of the very foremost now living is the Rev. Thomas Carter, the chaplain of the Liverpool jail. In that town there are above a dozen reformatories and certified industrial schools, and a special agent is employed to enforce the payments. The excellent results of such arrangement Mr. Turner alludes to in his report. Mr. Carter thus states his views on the subject:

"The responsibility of parents to contribute to their children's maintenance in reformatories is one of the most important parts of the reformatory acts, not only as being right in itself, but because it maintains, *after a fashion*, a feeling between the child and the parent which should never be lost sight of: 'The parents to the children shall make known thy truth.' It is a first duty, and I question whether Sunday schools are not open to objection, thus far at least, that they induce a feeling in the minds of parents that they can delegate their duties to others, and so become careless about them.

"From the very first establishment of reformatories we made a prominent point of enforcing payment in all practicable cases, and, since the oversight of these things passed from me to others, I am glad to find there has been no relaxation. When the several cases were adjudicated upon by the *amateur* magistrates, there was no fixed certainty of action; hence the orders were occasionally very incongruous, and a feeling of dissatisfaction and irritation prevailed among the class that generally supply subjects for reformatories; but latterly Mr. Raffles has taken these cases under his own special cognizance, and something like uniformity has followed. Great care, I believe, is still taken that no undue oppression shall occur, and equal vigilance that none who really are in a position to contribute shall escape. The orders range from 6*d.* to 3*s.* per week. The number of payers now on the roll, is, in respect of reformatories, 198, and in respect of industrial schools, 130.

"The amount received last year in respect of

reformatories,	£226	8*s.*	0*d.*
Industrial schools,	139	2*s.*	6*d.*
Total,	£365	10*s.*	6*d.*

"Thirty-six warrants were issued last year against defaulters, eight of whom paid, and twenty-eight were sent to prison.

"As to the effect of all these appliances on juvenile crime, I need say little, if any thing, in the face of recorded figures; by the gaol reports of last year, copy of which I send you by this post, you will see at page nineteen, that the number of juveniles remanded last year for inquiry exceeds that of any former year. In Liverpool there will always be a constant supply, and we must rest satisfied to stay the 'overflowing of ungodliness'—to prevent the juvenile's development into an adult and habitual criminal."

The pecuniary result of enforcing the contributions of parents, as stated by Mr. Turner in his report of the present year, is £6,847 4*s.* 6*d.*, forming about one-eleventh of what is paid by the treasury, for the maintenance of young persons in reformatory and industrial schools. More than this sum would have been raised but for the want of proper machinery for collecting the money, and the unwillingness of magistrates to resort to compulsion with parents. Mr. Turner says: "The difficulties to which I have alluded in former reports, arising from the disinclination of many magistrates to enforce the payment by the ultimate penalties of distraint and imprisonment, and from the facilities with which regular contribution can be evaded by the parent's removal from place to place, have been greatly added to during the last year by the distress and the want of employment which have prevailed in parts of the metropolis, as well as in several districts of the country."

Mr. Henry Rogers, who for ten years has been practically acquainted with the working of the system as assistant inspector, thus states his views on the subject:

"My views on the subject have resolved themseves into the belief that, if the attempt is made to make the parents contribute at all, the system should be carried out very thoroughly *and very efficiently.* There should be a very general concurrence of agreement as to the necessity and unity of action in practice. In almost

all large towns parents of evil repute, who first ruin themselves and then neglect their children, should be, and are, generally well known to the police and the authorities. If it be found necessary to remove their children from their vicious influence, from a sound and patriotic motive — first, to save the children from a life of misery and turpitude, and, secondly, to protect the state from loss and moral injury — I do think that the parents should be made to feel, by summary process, that a combination of forces is arrayed against them, to compel them to fulfill some portion of their obligations by a forced contribution toward the maintenance of those whom they have brought into existence. If this view were carried into practice universally, rigidly, and with general consent, I cannot but think that much real good would be effected, much indirect influence exerted, and a vast deal of horrible indifference fairly checked."

Mr. Turner again says, in his report:

"I have no doubt that, though the pecuniary results would perhaps hardly cover the cost of the local agent's wages, the effect of more regular and immediate pressure on the parents of the children would be very important, and I do not believe that the reformatory and industrial school system can be worked out completely, and its social benefits fully realized, till such pressure is more thoroughly applied, and the responsibility of the parents, for their children's delinquency and neglected condition, more thoroughly and regularly enforced."

That public opinion is in harmony with our parochial experience, is evidenced by the following extract from an article from the Saturday Review, of July 31st, ult., on Mr. Turner's report:

"It is impossible not to join heartily in Mr. Turner's remarks on the value of this pressure upon parents. * * * * The economical value of an efficient agent in this capacity is obvious enough; but, having regard to the parents, his value is more than economical. * * * * Even if the money received from them barely sufficed to pay his salary, such an agent is worth having as an active reminder, and a sort of reformatory instrument at work upon the parents themselves. Without some kind of pressure or other the great bulk of parents belonging to this class not only tend to forget their children, but grow into the settled and permanent conviction that the faintest shadow of responsibility for their children has been by the state removed from off them-

selves. It is only one step further to believe that the state has done this, and is expected to do as much again, not out of charity nor in self-defence, but as a pure matter of right and debt to the satisfied and exulting parent."

To the testimonies which have here been given it would be unnecessary to make any addition. Principle and practice are at one. The only regret which can be expressed is, that hitherto the machinery employed to carry out the law has not been sufficiently perfect to insure its certain operation.

The importance of reformatory institutions for young persons, who are growing up without the necessary preparation for the work of life, cannot be too highly estimated. Every child born in a christian country may surely claim as a right the means of developing the power given him by Providence, and of learning his duty to God and to man. The Heavenly Father, when bestowing on him life, placed him, in his tender years, under the guardianship of earthly parents. If these fail, society is bound to supply their place, both for its own sake and for that of the child. But no one can neglect his duty or inflict injury on society with impunity. Hence it is essential, for the due development of the principle, that those parents who thus neglect their duty to their children should repair this evil, as far as lies in their power, and that the government should require this from them.

Thus will society, acting through its government, sustain the great principle of the moral order of the universe!

XXXIII. On the Need of Special Training for the Officers of Prisons and Reformatories.

By Rev. James Woodworth, Secretary of the California Prison Commission.

A suggestion of the need indicated in the title of this paper will doubtless fall strangely upon many ears; and the proposition which affirms such necessity will appear to numbers more than doubtful, and to some will probably afford occasion for sneering witticisms. It will be within the memory of not a few members of this congress — one does not need to be old to recollect — that in this manner was greeted the first suggestion of the propriety and necessity of educating teachers of common schools for their special work. Prior to that time, the ideal of a teacher of this class of schools was that of a broken-down merchant, a clerk whom nobody wanted, a consumptive or other person physically incapable of manual labor — any body, in short, who had shown himself an imbecile at all other employments, if he had possessed himself of a smattering of the three R's — "reading, 'riting, and 'rithmetic." The public thought now is much the same as regards the qualifications of a prison officer, except that physical strength is considered a requisite, and the unsuccessful tradesman is replaced by the pot-house politician. Any man of fair sense, tolerable education, moderate executive ability, a dash of energy, and possessing a vigorous frame and sinewy arm, is deemed qualified to take the place even of the head of a prison, though he may never have been inside of penitentiary walls, or given the subject of penitentiary discipline a solitary thought.

It is otherwise in Europe. As thirty years ago European nations were in advance of America in their conception of what constituted a competent teacher, and especially in their ideas as to the need of special education for persons devoted to the work of instruction, so it happens in our day as regards penitentiary and reform school officers, and particularly as regards the necessity of any particular training for their vocation. When Demetz, more than thirty years ago, was about to open the reformatory agricultural colony of Mettray, in France, which has since made him illustrious, what most troubled him, in the anticipation, was the problem how to obtain fit assistants to help him in his important

work. He felt, profoundly, that the success of the enterprise depended on the efficiency of his officers; and this, in turn, would depend upon their adequate preparation for the great work to be committed to them. In their long and earnest meditation of this question, Mr. Demetz and his distinquished colleague, the viscount de Courteilles, deemed that they had found the true solution when they resolved, instead of building high and massive walls for the restraint of their future wards, to educate the guardians who were to control and train them, thus substituting, in their government, moral for material forces. To give effect to this idea, and so secure a staff of trained and qualified officers, what did they do? Precisely what any practical men would. Instead of opening their establishment at once, they and their chaplain spent the first six months in a laborious training of their helpers. They estab lished a preparatory school (*école préparatoire*), which was opened on July 28th, 1839, with twenty-three young men as pupils. Their course of instruction embraced religion, the French language, arithmetic, linear drawing, geography, natural history, geometry, book-keeping, gymnastics, including swimming, and vocal and instrumental music, together with, as a matter of course, special lessons on the nature, objects and processes of the great work in hand — that of changing bad boys into good ones. Agriculture was also taught in all its details, including the elements of those natural sciences with which it is connected.

Such was the preparatory school at its start. Of late years the course of study has been enlarged, as also the buildings in which it is accommodated, and the appliances for conducting it. The school has now accommodation for twenty-five pupils, and it is always full. Its supreme aim, of course, is that of thoroughly training and educating future officers; but it serves another and scarcely less important end — that of eliminating candidates who prove unsuited to the work to which they aspire. The system of education, it is material to observe here, includes the acquisition of a practical acquaintance with the duties of a prison officer. The developments of character made by the pupil in this department of the course enable Mr. Demetz to judge of his fitness for the calling which he has chosen, while the youth himself is thereby afforded the opportunity of testing, to his own consciousness, the sincerity and steadfastness of his inclination for it. In point of fact, many find that they have mistaken their vocation, and of their own free

will depart to seek some more congenial pursuit; in the case of others, this discovery is made for them, and they are quietly, but always kindly, requested to leave. As a fruit of this sifting process, not less than of the comprehensive and thorough mental and practical training through which they have passed, those who remain and complete the course — which requires, I think, two years for its completion — form an efficient and invaluable staff of officers, not only for Mettray, but as well for similar institutions throughout the whole of France. On the subject of separation from the school — voluntary withdrawal from it when not found congenial, in itself or its objects, to the taste of its inmates — Mr. Demetz holds this wise opinion, and pursues a policy based upon it, as expressed in a recent treatise of his: "Pupils coming to us are not required to enter into any engagement to remain. They are free to leave the school, and indeed they ought to leave it, the very day they cease to be content there, for from that moment we lose the only influence over them we desire to exercise — that which springs from conviction. Constraint can never give birth to devotion; and our aspiration is, that all who aid us should be animated by the pious desire of being useful to their fellow-creatures." The devotion — no term less strong than that will express the *fact* intended to be conveyed — the devotion to their work with which Mr. Demetz inspires the pupils of the preparatory school is well illustrated by the following anecdote: One of them received the offer of an excellent appointment, one far more lucrative than his office of keeper at Mettray. Mr. Demetz tried to prevail upon him to accept it. His persuasions at length succeeded, and the young man signified his willingness to change his relations, agreeably to the advice of his chief. But when on his way with Mr. Demetz to be introduced to his new office, he suddenly stopped and turned back, saying, with emphasis, "No, I cannot and I will not leave Mettray." So, despite all persuasions to the contrary, he returned to his humble but loved work at the agricultural colony; and he is there to-day, content to let monarchs wear their purple and popes their jeweled tiaras, while he toils at the nobler, albeit obscurer, work of rescuing the fallen of earth, and lifting them to heaven, where they shall be KINGS AND PRIESTS UNTO GOD FOREVER — their crowns fadeless, their vestments undecaying.

It will be said, perhaps, that this must be an exceptional case. Possibly, in the full depth of its significance, it may be; but the

kind of officers Mr. Demetz makes by means of his preparatory school, and the spirit and power which characterize them as a class, may be seen in the testimony of Mr. M. D. Hill, the late distinguished recorder of Birmingham, England. This is the language used by that high authority, after a visit to Mettray: "The founders have breathed their own earnest benevolence into the hearts of their coadjutors. Seldom have I felt so deeply interested as in the hours I spent with these amiable and intelligent young men. Their devotion to their employment, their perfect knowledge of all the principles on which the institution is founded and of the best means for carrying these principles into effect, their enthusiastic attachment to the generous men to whom France and the world owe this noble establishment, the kindness which they evinced in their demeanor toward their wards, and the grateful spirit in which their notice of these poor lads was received, left no room to doubt that I was in the midst of realities, not surrounded by mere shadows and forms."

But this is opinion, intelligent opinion most assuredly, and formed by a man not likely to be mistaken, a man of large experience, both as a criminal jurist and a practical philanthropist. A more authentic and reliable testimony to the high value of special training for penitentiary and reformatory officers is afforded by statistics. The percentage of relapses of the inmates of American reformatories, whereby they are lost to virtue and good citizenship, is, according to the best information attainable, from one-fifth to one-fourth. The proportion in England I believe to be not much if any less; but in France, not more than ten per cent of the *élèves* of the reformatories fall back, on their discharge, into criminal practices; and at Mettray the percentage is brought down almost to zero. So important, so vital indeed, does Mr. Demetz himself consider the preparatory school to the successful management of his enterprise, that he has often been heard to declare that if it were to be closed, Mettray itself must cease.

But France is not the only European state in which persons proposing to become officers in reformatories receive a special education and training for their work. This is the case in other countries of continental Europe, particularly among German-speaking peoples. Both in the larger and lesser states of Germany, the distinguishing peculiarity of the reform school is the union of christian teaching with primary education. Religion is looked upon,

and rightly, as affecting not one portion only, but the entire life. The workers in this field regard religion as the only power capable of meeting the growing and changing needs of the age; hence, they feel themselves to belong to the kingdom of God; and, though in the centre of christendom, they strive to do the work of missionaries. This has been the case from the start. John Falk, of Weimar, originated the reform school in 1812. In 1823 (he had then reformed and found homes, in the families of farmers and artisans, for some 500 neglected and vicious children) he wrote: "The principal object of our society during eleven years has been the salvation of souls — not the conversion of the heathen in Asia and Africa, but our own, in Saxony and Prussia." It is the same work to which Wichern dedicated himself in founding the "rough house" (*rauhe haus*), in 1833, at Horn, near Hamburgh. He very soon felt that if he would do his work well and effectively, he must have *trained assistants*. The first comers would not do; hence he established what he named the "*inner* (or home) *mission*," and commenced training a "brotherhood" of workers for a comprehensive field of christian effort, one department of which was service in reform schools. For a period of fifteen years from the establishment of the *rauhe haus*, 1833–1845, every energy of its zealous founder was used in gathering, training and sending out brothers as the instruments of reformatory education. There was at first a difficulty in finding proper persons for this work; but this soon vanished, and but one-third of the applications for admission could be answered favorably. Brothers to the number of 460 have been educated in the institution, and they have been scattered as seed over all Germany, and in many other countries. Some noble specimens of them we have in America. Brothers educated in the *rauhe haus* were early called to the Baltic provinces of Russia; three of them became directors of reform schools there; one in Mitau (1837); a second in Narva (1838), and the third in Reval (1842). The last-named of these establishments has been organized on the plan of the *rauhe haus*, and has a training school connected with it which has sent out thirty-three brothers, a goodly proportion of whom, it may be presumed, have become laborers in reform schools. A reformatory at Bächtelen, near Berne, in Switzerland, also organized on the plan of the *rauhe haus*, has a preparatory school in connection, which has thirty pupils. This institution has been the agent, direct or indirect, of

the formation of twelve similar establishments, which have received, to a large extent, their officers from its training department. The reform school, at Duisburg in Saxony, with only 35 children, has 150 brothers in training for the work of the "inner mission," numbers of whom will no doubt become officers in that and other reformatories; also, at Züllchow near Stettin, at Reinstedt in Saxony, and at Puckenhoof near Erlangen, there are brotherhood establishments, whose main object is to educate laborers for reform schools. At the reformatory of Lindenhof near Neinstaat, 46 brothers have been regularly graduated, no less than ten of whom have become directors of reform schools, while six are assistants therein.

The foregoing statements will afford some idea (they are but specimen bricks however) of the extent to which professional education is imparted on the continent of Europe, as a preparation for work in reformatory institutions. They show that, however novel the idea may be in America of such special training, as applied to those who aspire to become officers in prisons and houses of refuge, it is no stranger, theoretically or practically, on the other side of the water.

As to what may be done, if any thing, in England, in this direction, I am unable to say. One thing, however, I can state on undoubted authority, viz.: that no one there receives a full appointment as an officer in any prison until after six months probation in the service, during which he is carefully instructed and closely observed, and a daily record is kept of the manner in which he has discharged his duties. At the end of six months, if the results of his trial have been satisfactory, he receives his appointment; if otherwise, it is withheld, and he is permitted to withdraw. When once fully installed as an officer, he holds his position during good behavior. It is a life office, if he approve himself as capable and faithful. A British nobleman said to an American, in a recent conversation on this subject, that he could not procure a place for his son in an English prison, except upon the ground of qualification and merit.

If the only design of a prison were to keep its inmates safely, to secure their obedience to rule, and to get the greatest possible amount of work out of them, certainly little or no training of their keepers would be requisite. But whatever may have been the aim of public punishment in former times, higher ends are

now contemplated through its infliction. The reformation of the criminal, his restoration to virtue and usefulness, are embraced within the purpose of his imprisonment. A prison may be likened to a hospital, filled with the victims of disease, sent there to be cured. Surely none but a qualified physician should be placed in charge of such an establishment. Far less, one would think, should an institution crowded with the victims of moral disorders, whose restoration to moral health will depend upon the treatment they receive there, be placed in the hands of men who have received no training for the business, and who are consequently ignorant of the first principles of the work to be done, and must be inexperienced and unskillful in its duties.

Again, a prison may be likened to a family in which, though certain general rules are enforced, special treatment will often be necessary as regards particular members of the household; a treatment suited to the disposition of the child and the circumstances of the case. Just so in a prison or a reformatory. General laws must be laid down, and, to a certain extent, all its inmates must be treated alike. Yet there must be, at least there ought to be, *individualization* — a careful study of the peculiar characteristics — the idiosyncracies — of each prisoner. But for this there is required not only a general cultivation of the mind, but a special study of the duties and difficulties of a prison officer. In this connection there occurs a consideration of much weight. It is this: A family consists of but a small number of persons — six, eight, ten; while the inmates of a prison often number as many hundreds. Moreover, instead of being *children*, who are controlled with comparative ease, and who, never having gone astray, are only to be kept in the path of virtue, prisoners are *men*, who have long been their own masters, are impatient of restraint, are already fallen from the moralities, and have been, in many cases, so long accustomed to vicious thoughts and habits, that wrong-doing has become a second nature to them. Can these men be reformed and restored to virtue by ignorance and inexperience? Does not such a work require knowledge, aptitude, skill, which can be acquired, ordinarily, only through the instruction and training of a school specially designed to impart them?

Men designed for all other skilled pursuits — the lawyer, the preacher, the doctor, the teacher, the engineer, the merchant, the artisan, even the barber, the cobbler and the tinker — must have a

training that can fit them, each for his own business. And is the management of incarcerated criminals, which seeks, or should seek, to eradicate a moral leprosy that has gone down to the very depths of their being, and to replace it with spiritual health and purity — is this the sole pursuit, the solitary profession, that may be fitly intrusted to men that have neither special aptitudes nor special training for the work? Out upon such inconsistency, such folly, such sheer madness!

Some allege that he who has been accustomed to govern men anywhere can govern them just as well in a prison, and hence that a military officer, a naval commander, or one who has had charge of large bodies of men, as foreman or overseer, has, by his experience in such position, had just the training required to fit him for the duties of a prison warden or a prison keeper. The answer to this is, that mere control or government is not what is required of a prison officer, but the reformation of the criminal who is subjected to it — a problem most delicate, most difficult, and demanding all the insight, all the tact, all the skill, which the highest wisdom and the broadest experience can bring to bear upon it. Besides, though human nature is human nature, and men are very much like other men, or, as Solomon has expressed it, "as face answereth to face in water, so the heart of man to man;" yet the motives that govern and the influences that sway them are ofttimes as different as the circumstances in which they are placed; and he who, under a given condition of things, could hold a body of men in almost absolute subjection to his will, might, under other conditions, find himself as powerless to manage the same men as another who had never had any experience in that direction. The overseer of a gang of slaves, though perchance eminently successful in the management of them in that condition, would be quite likely to fail in undertaking to manage them in a state of freedom. The foreman of a company of laborers on a railroad or canal would probably find that their transition from that occupation to incarceration in a penitentiary had materially changed the conditions of a successful government and control of them.

A prison officer said to me, some time ago, that he began his service in that position without any knowledge of its duties, and that, on looking back, he saw serious errors which he had committed, and which he might have avoided, had he, at the start, pos-

sessed the knowledge subsequently acquired. Now, what I wish to say is, that we cannot afford to permit such mistakes. The interests imperiled by them are too great. The education of that man was too costly. An intelligent lad might go into a carpenter's shop, and, in time, without special instruction, become a mechanic. But no carpenter would permit an apprenticeship of that sort. The damage to tools and the waste of material would be more than he could afford. But if such is the case as regards *physical material*, which can be replaced by money, how much more so where the subject to be wrought upon is *moral*, and where a loss once incurred is a loss forever! We want, and we must have, educated, *trained* prison keepers; men who have been taught by persons already familiar, theoretically and practically, with the details of penitentiary management and the best methods for securing the true ends of prison discipline.

This position is clear, and cannot be successfully disputed. But there is a practical difficulty, in carrying the suggestion into effect, of the gravest character — a difficulty indeed, I am willing to admit, quite insuperable at the present time, and which will remain so till our prison systems are placed upon a different basis from that on which they now rest. There will be no training schools of the kind advocated in this paper, whether established as independent enterprises or in connection with existing penal or reformatory institutions, until the administration of our prisons and reformatories is made permanent, and their officers hold their positions during good behavior, or at least for very long terms, as our judges do; and there will be no permanent administration of these institutions until they are taken wholly out of the arena of politics, and political control becomes, so far as they are concerned, a thing of the past. To this reform, therefore, the whole study and the whole strength of those who wish well to the great interest of criminal repression must be bent. Until it is accomplished, nothing is accomplished; when this work is done, every thing will be done; for all the details of a reformed prison discipline are wrapped up in this supreme reform, as the oak is in the acorn!

I am in hearty accord on this subject with the committee of arrangements, and close this paper with the 8th article in the platform of principles which they have submitted to the consideration of the congress: "The task of changing bad men and women into good ones is not one to be confided to the first comers. It is

a serious charge, demanding thorough preparation, entire self-devotion, a calm and cautious judgment, great firmness of purpose and steadiness of action, large experience, a true sympathy, and morality above suspicion. Prison officers, therefore, need a special education for their work; special training schools should be instituted for them; and prison administration should be raised to the dignity of a profession. Prison officers should be organized in a gradation of rank and emolument, so that persons entering the prison service in early life, and forming a class or profession by themselves, may be thoroughly trained in all their duties, serving successively as guards, keepers, deputy-wardens, wardens of small prisons, and then, according to their ascertained merits, tested chiefly by the small proportion of reconvictions under them, as wardens of larger prisons. Thus alone can the details of prison discipline be gradually perfected, and uniformity in its application attained. For only when the administration of public punishment is made a profession, will it become scientific, uniform, successful."

XXXIV. The Boarding out of Pauper Children considered as an Agent in the Diminution of Crime.

By Miss Joanna Margaret Hill, England.

Our work-house children, although indiscriminately massed together within the union walls, are drawn from very different sources. Some are doubtless orphans of respectable parentage or the children of the sick, compelled to seek the work-house through sheer necessity; but the larger proportion are, in all probability, the offspring of the waifs and strays of humanity — the improvident, the drunken, the vicious and the criminal. Their association has the worst possible effect upon the children of a better class. These unfortunates are condemned to live in the closest intimacy, through the *absorbent* portion of their life, with other equally unfortunate children who, from earliest infancy, have been familiarized with vice, coarseness of speech and action, and with crime. The comparatively pure, moreover, are greatly in the minority. A writer in the Contemporary Review of September, 1870, tells us the average of casual children "is, we believe, about two-thirds of the whole school population. These two-thirds are, however, not represented by the same individuals. They change so rapidly that sometimes the numbers passing through the school in a year will be five times as many as it contains on any one day;" and the writer goes on to speak with a forcible but true expression of the "drenching" with evil influences of the permanent school inhabitants.

It is argued that a child living in a work-house school enjoys the incalculable advantage of being carefully preserved from the terrible scenes of vicious indulgence so common in our courts and streets. Let it be borne in mind, however, that the preservation extends to *sight* merely, as will be shown hereafter. Moreover, we aver that this exemption is *no* advantage, accompanied, as it must necessarily be, by deprivation of the ennobling and counteracting influences of pure family life, which should enable the child to withstand temptation simultaneously with the gradual awakening to evil that inevitably attends the growth of every individual. In order to gain the power of overcoming temptation, we must have some opportunity of resisting it; and the longer that opportunity is unnaturally deferred, the more overpowering will the temptation be, when it assails us, as it assuredly will sooner or later.

It has also been claimed for these permanent children, who constitute the class suitable for boarding out, that they exert so good an influence over the casual population that it would be an injury to the community to withdraw them from the pauper school. A child, we firmly believe, may often exert a salutary influence over an adult by its helplessness, which unconsciously appeals to the better side of human nature; and an adult can, we know, exercise a beneficial effect upon children by calling forth love and gratitude for tender care; the *inequality* between them being useful to both. We doubt, however, if any child, totally deprived of the healthy surroundings of family life, will influence for good his equals in age and circumstances, whose talk is of pleasures, as yet unenjoyed by him, but which appeal most strongly to his infant nature — the liberty to be a CHILD, if even a perverted one, and not part of a machine — the ability to wander beyond the four dreary walls which inclose him — the power of satisfying his appetite for "sweeties." It is astonishing how much is spent by the very poor upon this article, and what an irresistible temptation it presents to a work-house girl of 13 or 14.

These delights are comparatively innocent, but we can imagine with what pride a child would relate some scheme of petty theft in which he had been successful; or, the "jollifications" in which he had participated upon the proceeds of his parent's crime — the delights of the penny gaff, or drinking "bouts" among women of the lowest class. And we can realize in what a glowing light these narratives would present themselves to the permanent inhabitants of the school, whose life is one long monotone — whose very amusements are regulated by the will of others — and whose knowledge, even of a country lane, must be inextricably mixed up with the necessity of keeping to step and line. Is it likely that a child, so circumstanced, would not only reject with scorn the solicitation to share in these enjoyments, but induce others of its own age to give up the exploits in which they glory?

I question whether we should find the persons who, in all sincerity, hold this belief ready to expose their own children to the society of the corrupt, even of the same rank, for the good of the latter.

It is absolutely necessary to realize how inevitably far the life of a work-house child differs from that appointed for it by God's own ordinance — the family life — to comprehend how fearfully, by deprivation of natural training on the one side, and the supply

of harmful inducements on the other, our work-house children are peculiarly exposed to the reception of bad influences.

There is a further evil attached to work-house school life, from which, however, the district school is free. That is, association with adult pauperism. Although, in many of our work-houses, the school is a separate building, yet it stands usually within the same ring fence, or in such close propinquity that the faces of the children may become familiar to the inhabitants of the adult wards. I know one such, where I have been assured by both guardians and officials, in perfect good faith, that the girls were kept entirely separate from the adults. True, the school buildings are separate. The play-ground, however, is not only open to much of the garden, but is overlooked by the windows of the main building of which, moreover, the girls must pass through the centre, whenever they go beyond the work-house gates. If they were ill, until very lately, they were placed in the infirmary wards among the other patients; now, I understand, this is not the case.

Many of these adults are only temporary inhabitants of the work-house, and occupy their spare time in supplying the ranks of the "perishing and dangerous classes" with new recruits. What a fertile seed-bed must they find the work-house school for their evil purpose?

Take the case of a girl, for instance. She is placed out to service by the work-house authorities, and, on an errand for her mistress, she is met in the streets and recognized by some miscreant who has become familiar with her face, and knows that she is comparatively friendless and will not be searched for and rescued out of those evil clutches. Then comes a series of temptations. She is treated at the sweet-shop and the public house, promised delights which are irresistible to the hard-worked little drudge, who has none to show her the reverse of the picture, unless, as I am bound to say is not seldom the case, her mistress is her true friend; but, though her friend, she is not often also her *confidante*.

We next find the little servant becoming restless and troublesome, and finally she runs away. Her downward course is now almost sure. She is entrapped by the person who has probably contributed much toward this unhappy catastrophe; and even if she escapes and seeks her only refuge, the work-house, she is in many cases placed among the able-bodied women, who are a most unhappy class, and, for a girl of thirteen or fourteen, most unde-

le companions. Their conversation and example complete uin to which many causes have contributed, and the poor girl into sin and its necessary concomitant, crime. It was discov- in one of our English towns, that women putting on a show spectability resorted to the work-house for the purpose of g out girls, ostensibly for service, but in reality to supply the s of shame. I am glad to say, however, that effectual ures have now been taken to prevent this atrocity. An r connected with Swinton separate school (Manchester union), asked what proportion of the girls sent forth from that lishment, as compared with the daughters of citizens, had to bad courses, answered: "Do not ask me; it is so painful I can hardly tell you the extent to which evil will predomi- in those proceeding from our institution." A similar answer given with respect to the Liverpool separate school. The tenham guardians made a return last year of the after-career e girls from their union, by which it appeared that, although per cent were successful, yet twenty per cent resorted to the ts, and the remaining forty per cent were unsatisfactory. lar testimony abounds concerning other schools; and, more l than all, it was found by an investigation entered into erning eighty girls sent into service from one of our London ns, that the whole of them were upon the streets.* Well the author of the "Children of the State," exclaim: "Such mony from the mouths of work-house officials, guardians and pendent observers alike, might be multiplied *ad infinitum*, ve have cited enough to prove that there are thousands of ren growing up in our midst, under the complete control of tate, and whom she is educating, not for God's, but the devil's ce!" Let it not, however be for one moment supposed that frightful results are knowingly produced by those concerned e management of pauper children. It is upon the system by h we deal with these children, and not upon its administrators, the blame must rest.

sinful necessity compels me, in treating of the connection of education of pauper children and crime, to dwell upon this ble picture, because evidence establishes the fact that compara- y few women who live a life of shame escape the commission

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The Philosophy of the Poor Laws," by Frances Power Cobbe, 1865.

of crime. Therefore, as we have testimony to prove that a considerable proportion of work-house girls seek this mode of life, the inference is irresistible that they help to keep up the supply of criminals.

The case of the boys, though not so hopeless, is, however, bad enough. Work-house boys have certain advantages over work-house girls. The means of gaining an honest livelihood, — shoe making, tailoring, farm work and the like — may, perhaps, be taught them almost as well in a school as elsewhere. There is, too, one potent reason the less in their case, as compared with that of the girls, for their being sought by persons bent on their ruin; but we hold that the absence of home training is almost equally harmful to the moral natures of both.

Many of the lads are passed into regimental bands, or trained for the army and navy, so that a large proportion are saved from the sudden withdrawal of moral support just when the children have learned most to rely upon it. Thus, in fact, more is done for the boys than for the girls. They are fitted for an honorable profession, and some good influence (though, probably, not the best) is brought to bear upon them during the dangerous period of youth.

Notwithstanding all this, a parliamentary return, published in 1862, shows that thirteen per cent of pauper boys, who had had more than two years of consecutive school training, were known to have re-entered the work-house, the corresponding proportion of the girls being twenty-seven per cent. There is a reasonable probability that more returned who were not recognized.

Now, the education of these children had, in all cases, cost more to the country than their compeers in the working classes. At several of the great district schools, the cost of one child equals that of two children respectably brought up in a cottage house, say that of a gentleman's servant, and yet it would be hard to believe that one child in every five of the latter class is obliged to seek work-house help before the age of twenty-five, the ascertained fate, as I have just shown, of pauper children. The very costliness, too, resulting from the impossibility in a vast establishment, which must be governed by routine, of making small savings and adopting humble expedients to avoid expense at the spur of the moment, probably incites the children to extravagance when, at length, they are themselves in a condition to spend. A gentle-

man of very great experience says: "I am inclined to think that any very expensive system would probably be an unsuccessful one. Children, who are not used to very frugal doings, are disgusted with the inevitable economies of ordinary honest life."

It must not be supposed that the conclusions I have laid before you concerning the after-life of our pauper children are universally admitted in our own country. On the contrary, they are disputed by many; and one of the most formidable opponents we have to contend with is Mr. Tufnell, her majesty's inspector of work-house schools, who, in his last report to the poor law board, says he has ascertained that not four per cent of children reared in district schools fail to become independent working people.

If I may for one moment digress, I may offer an explanation of this antagonism of opinion, which seems at first difficult to account for. Some time ago, all poor law inspectors were consistently opposed to boarding out, looking upon it merely as a revival of the old farming out, or parish apprenticeship, system, under which the children were either sought as a *source of profit*, or taken under compulsion by the persons in whose charge they were placed, and over whom no effectual supervision existed. Now, however, several of the work-house inspectors have altered their views, while the work-house school inspectors still maintain their opposition, more or less complete. The latter visit the schools only, and see the perfect order and discipline, the excellent teaching, the well-fed appearance of the children, the large airy rooms, good ventilation, etc, and, these conditions being secured, the object of their inspection is attained. The school must be made excellent, and there is no doubt it is excellent, and effects as much as such schools can effect. Here, then, the responsibility and also the opportunity for observation on the part of the school inspector ends. The work-house inspector, on the contrary, goes into the adult wards. There he finds the children grown to men and women, and some of the most unruly of their class. Perhaps they returned to the work-house from the employment found for them, because unqualified by some trival fault or unexpected incapacity. An example may be mentioned, though it will hardly be believed, namely, that of girls who, having always lived in a ground floor ward, *did not know how to go up stairs!* But, once plunged into the vicious companionship and hopelessness of bettering their condition, which the adult ward frequently implies, their natures

stunted in moral growth and lacking the natural affections which a home life, however bad, does not utterly destroy, they too often become more unmanageable, more utterly indifferent to any prospect of self-dependence, more absolutely wanting in any spark of self-respect, than their fellow-paupers who have grown up outside the work-house walls, and know something of the resposibilities, the duties and the rewards of ordinary life. Or, worse than this, when hardly passed their childhood, the inspector may find unmarried mothers of children destined to perpetuate the pauper inheritance!

In comparing the two systems, the homely old adage, "the proof of the pudding is in the eating," must be thought of, and, bearing it in mind, the fact that the work-house inspectors are giving in their adhesion to the boarding-out system is to me very significant.

The writer already cited in the Contemporary Review tells us that "Mr. Tufnell's name commands the respect of all who care for the well-being of our work-house children." Let me here say, that I fully indorse this opinion, although differing from him on some vital points. He tells us, as I have before mentioned, that he has ascertained that not four per cent of children reared in district schools fail to become independent working people; and, for evidence in favor of this statement, adduces the statistics of 140 children sent into the world from the Marylebone separate school (London) during three years, dating back from December, 29, 1869:

Boys returned to their friends who are bringing them up to business,	4
Boys who entered regimental bands — 2 dead, the rest doing well (still under tutelage),	57
Boys apprenticed to various trades (no testimony of good conduct given) — 1 dead, 1 lost sight of,	13
Boys sent to domestic service — 6 remain in same kind of employment; 1 otherwise employed and doing well; 1 with an uncle; 2 lost sight of; 1 returned to work-house,	11
Boys who had become sailors — 11 in the same employment; 1 rejoined his mother,	12
Girls sent to domestic service — 30 known to be doing well; 7 with friends; 3 in servant's houses (a guarantee of tolerable character); 21 returned to work-house,	41
Girls serving as pupil teachers,	2
Total,	140

There are various points to be remarked in this schedule, which materially lessen its value in establishing Mr. Tufnell's argument. As it is dated December 29, 1869, and was published in June, 1870, the children placed out in the latter half of last year had had but short time to convince Mr. Tufnell by their conduct that they would not fail to become independent working people. Even those who had had the longest experience of the world would be barely sixteen; and habits are not securely formed for life at sixteen. Next, thirteen are shown to have returned to their friends or relatives. Bearing in mind what kind of persons mostly the relatives or friends of work-house children are, and also the strong desire manifested by the respectable poor to keep themselves and their family connections out of the union — this willingness to support the helpless extends, in very many instances, to neighbors' orphans as well as blood relatives — it stands to reason that the chances are small of these "friends and relatives" belonging to that respectable working class, whose friendship and fostering care would have a beneficial influence. The experience which I have gained in the supervision of work-house girls, sent into service, fully bears out this reasoning. It is satisfactory to observe how few "are lost sight of;" but it would be well to ascertain for how long a period the supervision extends, as the following example will show: A lady, residing in one of our large towns, desiring to befriend work-house girls in service, obtained from the authorities what they believed to be the addresses of a large number who had recently been sent into service. But, on applying at forty-five of the places indicated, she found fourteen only of the girls. Of the rest, some had removed with their employers to a distance; some had been dismissed for bad behavior; some had run away; of some, she could not ascertain what had befallen them.*

To those who have had no experience of the difficulties to be encountered in the visitation of such children, even over a small area — the vague or incorrect address; the frequent change of residence of the employer; the frequent changing of the children themselves from one employer to another — it would be impossible to realize how much of such reports is often conjecture, based upon information received many months ago, and believed to be correct up to the present time.

* "Children of the State."

I have sought information as to the actual numbers of work-house-trained persons in our prisons and reformatories; but few poor law officials seem to know much of the after career of their *protégés*, and all who cannot be ascertained to have returned to the work-house are often considered to be successful, whether they have been lost sight of or not. In my applications to those engaged in the management of prisons and reformatories, I discovered that, although, with but one exception, a general belief existed among them that many of such institutions contained persons who had undergone more or less of work-house training, yet data upon which to found statistics bearing upon the question do not at present exist. The governor of Edinburgh gaol, who has expended much labor in investigating the causes of juvenile crime through a long series of years, tells me "that many of these poor children, if left to the evil influences of the work-house system, would have fallen into crime I have no doubt, and that very few of them do so under this present condition (boarding out) is also certain." Further on he says: "The work-house reared children became idle, useless loafers, returning again and again to the work-house from situations to which they might have been sent, the parish being obliged to maintain them until they were fourteen years of age. This, no doubt, saved them from the early commission of crime, although it made them less self-reliant, and more likely to fall into crime in after life." He considers that the best way to counteract the evil influences necessarily surrounding pauper children is to board them out among respectable people, and thus environ them, as early as practicable, with inducements to steady labor, honest independence, and an abhorrence of crime.

We thus see that our work-house children, already weighted with the disadvantages of low *physique*, diseases possibly inherited from their parents, vicious proclivities, and early knowledge of all forms of crime, are by the state condemned to live under conditions which, as they are against the dictates of nature, must inevitably tend either to increase those evils, or to create them, if they did not previously exist.

Whether the boarding out system can be successively applied to pauper children in any large number, whose parents are alive, remains to be seen. But it seems against the principles of justice, humanity and political economy, to restrain our orphans and deserted children, at least, from participating in the natural pleas-

ures and good influences which surround healthy childhood, more especially when such advantages are to be secured at an actual diminution of expense to the nation. This has now been happily recognized by our poor-law authorities.

The principles of the boarding-out system, although possibly well known to the members of the congress, it may be well perhaps shortly to enumerate. The child, on the guaranteed payment of a sum, just sufficient for its proper maintenance, is placed with a respectable person who engages to act toward it, in all respects, as a parent. Supervison is maintained, in some cases by officials alone, in others by both officials and volunteers, by whom it is ascertained that the principles of the system are efficiently carried into effect, that the children regularly attend school, etc.

As the experiment has been fully tried in Scotland, several facts have been established in connection with it.

1. Success depends upon efficient supervision. Indeed, it may be said of this, as Demosthenes said of action in regard to success in oratory: "The first thing is supervision, the second thing is supervision, and the third thing is supervision."

2. That where the system is successful, the death rate lowers, and the necessity for medical aid decreases. Traces of hereditary disease, often very apparent in infancy, disappear under the healthy family life led by these little ones.

3. The ratio of success in after life increases. More is known about the children — they are more easily traced, which is one point of vast importance, and it is found that the majority do well. There are several persons connected with each child who take an ardent interest in its welfare, and strive with the same earnestness, as for their own offspring, to preserve it from evils. In most cases, too, the child has to acquire its evil connections and predilections before the danger can arise of its falling away. Instead of narratives of successful villainy, made all the more thrilling by being mixed up with the idea of liberty, the child, possibly for years, has had the example of continued labor before his eyes, which, unconsciously to himself, inculcates the belief that by labor alone can happiness be obtained.

The re-entrances into the work-house among English pauper children and those boarded-out from Glasgow were as one in five to one in sixty-five, during about the same periods of time. The particulars concerning 375 children from Glasgow run thus:

	Boys.	Girls.
Character good,	182	180
" bad,	1	12
	183	182
Convicted of crime,	1	4
In poor-house,	2	4
Dead,	6	5

We have no knowledge of how many of the English were in that time convicted of crime. The comparison is very fair between the English school system and the boarding-out of Edinburgh and Glasgow, because, in Edinburgh, not the orphan and deserted merely, but every child, likely to remain more than four months a pauper, is boarded out; and from Glasgow, the orphans, deserted and motherless, are placed out. The percentage of success is looked upon as about the same in both cities.

A further advantage may be expected to arise indirectly from a universal adoption of the boarding-out system. Wherever it has been put into practice, it has been found that not only do suitable persons apply for the children, but that there is often so great a desire to obtain them that hygienic rules are willingly complied with — windows made to open and pig-sties removed further from the house — to prevent rejection of the foster-parents. Thus sanitary laws are promulgated and regulations enforced, which might otherwise have been strenuously resisted.

The conclusions that we have arrived at, on the training of pauper children, are these:

1. That as the majority are the offspring of the improvident, the drunken, the vicious and the criminal, the tone of their moral and physical nature is low and requires very careful training to raise them into the position of working members of the community.

2. That in order to make their training effectual, it must be natural, *i. e.*, that ordained by God.

3. That the training produced by massing in large numbers is unnatural, while, on the contrary, that supplied by boarding out is natural, and can be applied to orphan and deserted pauper children.

4. By the experience gained in thirty years from a systematic trial of boarding out, as applied to pauper children in Scotland, we learn that where certain conditions (always attainable) are

present, the children, at a less cost, are trained in greater numbers than by the school system to become respectable, self-supporting persons.

5. In conclusion, then, we may assume, that, as the number of those trained by boarding out who maintain themselves honestly is greater, and that of those who are lost sight of as well as of those who sink again into the workhouse is less, so the number who become criminals must necessarily be smaller than under the school system, and boarding out must therefore be regarded as an agent (and I think a potent agent) in the diminution of crime.

XXXIV. How Far is the Irish Prison System Applicable to American Prisons?

By F. B. Sanborn, late Secretary of the Massachusetts Board of State Charities.

It was remarked, many years ago, by a countryman of ours, whose name is better known than his exploits — I mean Sam Patch — that "some things can be done as well as others." I have always regarded this axiom, though perhaps rather vague and general (axioms are apt to be so), as expressing a profound truth, and one which especially characterizes the institutions and ideas of America. Hope and trust; faith in the untried, if it be good; a confidence that what has been done elsewhere can be quicker and better done here — these are the works by which Uncle Sam recognizes his own boys and girls. "Confidence," as the elder Pitt remarked, sententiously, "is a plant of slow growth in aged minds;" but the minds of our countrymen are not aged — they are youthful and strong, and are ready to wrestle with any difficulty that may be at hand. In fact, we prefer to encounter difficulties, and grapple with the hard fact and the obstinate obstacle. As certain also of our own poets have said, "it wrenches a man terribly to kick at nothing;" we must have resistance in order to enhance the satisfaction of victory. When we are told then, as we are, and with much truth, that there are serious obstacles to the introduction of the Irish prison system in this country, this announcement, if we really believe in that system, is quite as likely to encourage as to dishearten us. Obstacles are things to be overcome; let us see what these difficulties are that an American community, in a good cause, cannot overcome.

I shall not need, of course, to set before an audience so well-informed as this is the details of the Irish convict system. Its general features and its history I may briefly recapitulate, in order to see what the points are which would need to be changed or softened to fit it for general use in the prisons of the United States. It is of very recent establishment, having been introduced in Ireland less than twenty years ago by the present sir Walter Crofton, then captain Crofton, who was appointed a prison commissioner in Ireland in 1853, and became chairman of the board of directors

of convict prisons there in 1854. By convict prisons are meant the places where prisoners under long sentences are received, corresponding to our state prisons. It does not appear that the minor prisons of Ireland, corresponding to our jails, houses of correction and work-houses, or county penitentiaries, have ever been put under the operation of sir Walter Crofton's system, although he has effected its introduction into some of the county prisons of England. It had already been tried for a time in the Birmingham gaol, in 1849 and 1850, by captain Maconochie, the real founder of the system, who first put it in practice at his prison colony on Norfolk island, in the South sea, from 1840 to 1844. But it is best adapted, of course, to those prisons where the sentences are long, and it is to these that my remarks will apply.

In the Irish convict prisons the shortest sentence is for five years, and the longest for life. The prisoner, when first received, is placed in separate confinement, as at the eastern penitentiary in Philadelphia, and he remains thus confined, at hard labor, for a period varying from eight to twelve months, according to his conduct. His diet, and the other circumstances of this period of his confinement, are also regulated by his conduct, of which an accurate record is kept by means of marks. This "mark system," which was invented and carried out to very minute details by captain Maconochie, is an indispensable part of the general discipline, and should be introduced everywhere in America. It requires perfect honesty and impartiality on the part of the prison officers, combined with close observation and shrewdness in avoiding deception; but as these qualities are quite as common among us as in Ireland, I see no reason why this preliminary method of marking could not be used here at once, and with no greater inconvenience than attends the exact book-keeping and rigid accuracy of a great mercantile house. It is as reasonable, and no more so, to keep a record of the conduct of prisoners, in the loose way now so common in our prisons, as it would be for Mr. A. T. Stewart to keep his accounts on a single slate, or the backs of old letters, or in the heads of his chief clerks.

From separate confinement, which with us might be considerably shortened from the rigor of the Irish practice, the convict at Dublin is transferred to a prison similar in many respects to our congregate prisons at Auburn, Columbus, Joliet and Charlestown; and there he is put at work with other convicts, and allowed,

by accumulating marks for good conduct and progress in education and labor, to earn promotion from a lower to a higher class of convicts. These classes are, some of them, within the same prison, and some in distinct establishments, like those at Smithfield and Lusk. The chief difficulty in establishing them in our American state prisons would be a lack of different buildings, or of means for classifying within the same building. Since most of our states, however, are continually enlarging their prison buildings, this is a very slight difficulty. Were the Irish system once adopted, it would be easy to accommodate our prisons to its requirements in the matter of classification. And whether we should adopt it as a whole or not, every dictate of common sense requires that we should adopt as strict a classification of convicts, according to age, sex and degree of criminality, as is possible. This is a matter very much neglected everywhere, and this neglect is a most crying evil in the United States.

The final stage of imprisoment in Ireland is what is technically known as the intermediate prison; and it is in this that the intrinsic excellence of the system first manifests itself clearly. Its inmates are promoted to it in small numbers, and as a reward for a long period of exemplary conduct; and in it their characters are tested as they cannot be in any prisons known to me in America. I regard the intermediate prison at Lusk, near Dublin, which has been so often described and is so well known, as the most satisfactory proof of the general good result of the Irish system which it has yet exhibited, — even more so than the good behavior of the convicts after their discharge. Some uncertainty must always attach to the statistics of discharged prisoners, because so many of them soon escape observation entirely. But the facts exhibited, for a dozen years past, at the Lusk prison, are of such a character that they cannot be questioned; and they reflect the highest credit upon the system of which that prison forms a part. The men there confined are all on their good behaviour; on a state of probation which they have earned for themselves by long continuance in well doing; they have few guards and few external restraints, but are kept in restraint and brought to the performance of their prison duties, by considerations of their own interest and of moral obligation. I see no reason why we may not have in America intermediate prisons like that at Lusk, with the change necessary to fit them to the circum

stances of each locality where they might be placed. We should not always employ the convicts at farm labor, as at Lusk, but should lay much more stress than is done in Ireland on the importance of teaching every man a trade, and not all the same trade. But the essential features of the Lusk prison, — the preliminary classification, the allowance for overwork, the large degree of freedom from petty restraints, such as gall and fret the prisoner, seriously inclined to reformation, — these, and all the improving characteristics of the Irish intermediate prison, I feel very sure could be introduced here with less friction than in Ireland.

I certainly shall not need to argue, before this assembly, the question of giving convicts school instruction, as is done so successfully in the Irish convict prisons. In this land of common schools, where we make education the basis of government, without which good government cannot continue, it seems strange that we have given so little thought to the instruction of prisoners. It is from the uneducated class that our convicts are taken, almost entirely. This is not so true of the higher crimes, punished in our state prisons, as it is of the offences which fill our jails and work-houses; yet the proportion of educated men and women among the inmates of our state prisons is very small. In the Massachusetts state prison, last year, there were 182 convicts committed, of whom 69 either had no education at all or could merely read and write; 109 were put down as having a common school education, but with the majority of these it was of the most elementary kind; while only four were set down as having a superior education. How little is implied in the ability to read may be seen by some of the statistics given in the report of our friend, Mr. Brockway, who has lately organized schools in his admirable prison at Detroit. Among 136 of his male prisoners, more than a hundred could read; yet there were 101 who did not know the multiplication table — the foundation of all knowledge in Yankee land.

Now, the very first, and oftentimes the easiest, step in the reformation of convicts, is to awaken and employ their minds with useful knowledge and honest thoughts. There should be a school in every prison, as much as a kitchen — a schoolmaster as much as a guard. This is a principle understood and practised in Ireland: it should be much more generally practised in this country, where every thing favors education. I see no reason at all why this fea-

ture of the Irish system could not be improved and enlarged in our prisons, defective as they now are in the means of education.

Up to this point, I think you will agree with me that there is nothing in the Irish system which we cannot easily have in the United States. Indeed, we already have many of these things, though not reduced to so exact a method as Sir Walter Crofton found necessary. Preliminary separation, classification, promotion for good conduct, an exact mode of marking, a well regulated intermediate prison, and school education are certainly all as available for us as for the Irish. But when we come to the last stage of imprisonment, as an Irishman might say — the conditional discharge, or ticket-of-leave — we find innumerable objections brought forward, some of which must be admitted to have great force. Most of them, however, are not peculiar to us. They are equally objections in Ireland; and, if they have not proved insurmountable there, it is fair to conclude they will not here. Some there are which exist in greater force here than anywhere else in the world, perhaps, and it is these which we must especially consider. I think we shall find that they are not invincible; that, like most things in this world, they will yield to a due mixture of courage, common sense and perseverance.

The peculiarity of the ticket-of-leave system is this — that it lets loose upon the community before his original sentence has fully expired, a convict who may have committed heinous offences, and who may be likely to repeat them. It is this which gives society a shudder, whenever it thinks of this ominous figure, the ticket-of-leave man; yet, like all our shuddering, this is exceedingly unreasonable. Under any system, except one which would incarcerate such offenders for life, or summarily dispose of them by the gibbet or the guillotine, they come out of prison, and are thrown again upon the community. By the ticket-of-leave arrangement they come out a month, six months, one, two or three years earlier; that is all. The difference is in time, not in fact — in degree, not in kind. And I am ready to maintain that the ticket-of-leave man, if he has been duly prepared for his conditional liberation, is by no means so dangerous to the community as the prisoner who has served out his sentence without undergoing the slightest reformation, which is too often the case.

In Ireland, the prisoners who have conducted themselves well throughout their confinement have their sentences shortened, and

go out on ticket-of-leave. Such men are held under very strict conditions during the months or years that their probation continues. They must report periodically, and quite frequently, to the police, and they are liable to be sent back to prison, not only for new crimes, but for peccadilloes, and for keeping bad company. Now it is objected that this sort of betwixt-and-between condition, neither confinement nor liberty, is entirely contrary to our American notions, and would not be tolerated here? I do not think so. We have already, in the indentured pupils of our reformatories, instances of the very same principle; they are sent back to the restraints of the reform school when necessary, and public opinion commends it. The same would be the case with adult prisoners, I have no doubt.

Police supervision is also strongly objected to, and it is liable to gross abuses. In this country, where our police is, generally, not very strictly organized, these abuses would prevail, I doubt not; but they would not be fatal to the conditional pardon system. On the contrary, I believe that the organization of our police would necessarily be improved wherever it had the work of supervising such discharged prisoners assigned to it. In Massachusetts, the state with which I am most familiar, we have an organization known as the "state police," which might assume this duty of supervising discharged convicts, and perform it well. In other states other means might be devised, or a similar one adopted.

The chief, most obvious, and, in the minds of many, the insuperable, objection to the introduction of the ticket-of-leave system in the United States is this, however: that, in the multitude of our state jurisdictions, the convict would easily slip away from that under which he was held, and thus escape entirely from the operation of the law. This, at first sight, I confess, is a formidable argument against this mode of conditional pardons under state authority. If the governor of Massachusetts discharges a convict a year before his sentence expires, under strict conditions, and if the convict chooses to slip over into Rhode Island, he is at once set free from the observance of his contract, because, in the present state of our laws, it would not be enforced there. No doubt, too, there would be much of this voluntary transportation; and I question if it would have the good results that Judge Carter so forcibly pictured last night. But what would be the immediate, practical effect of this expatriation on crime in Massachusetts?

Would it be to increase it? On the contrary, would it not sensibly diminish it, according to the well-known legal maxim, that, when the cause steps out, the effect follows suit? We could afford to supply Rhode Island with ticket-of-leave men on these terms, until the demand ceased entirely. "Yes," you all say, "but what will Rhode Island think of such a proceeding?" Of course, she will object to it, and, in self-defence, she will be obliged to adopt the same policy. She, too, will have a ticket-of-leave system, and her culprits will shake off the dust of their feet and move on into Connecticut, which, in turn, would see the necessity of adopting the same course. In this way, through the help of these home missionaries, the ticket-of-leave men, we should have the system carried from state to state, quite as fast as we could propagate sound doctrine in any other way; and though we might, at first, have clashing between state and state on this ground, we should presently see a good understanding between the authorities of neighboring states, which would secure, in all, the benefits conferred by the ticket-of-leave system on each.

I do not agree, therefore, with those who object to conditional pardons because of our forty, and soon to be fifty, different criminal jurisdictions. In due time these state limits could offer no greater obstacle to the administration of justice than do the county limits of Ohio or New York at present. Indeed, we have counties in some of our most densely peopled states now more populous than half of our states are. There are 21 states with fewer inhabitants than the city and county of New York; 15 states smaller than Philadelphia; and this very Hamilton county, in which we are assembled, has more inhabitants than either of the seven or eight smaller states. Suffolk county, in Massachusetts, has more people than Rhode Island, and, probably, always will; Middlesex county is larger still, and will soon have more people than either New Hampshire or Vermont. State lines are every year becoming less and less a barrier to the introduction of any system that is good, and I have no doubt, as I have said, that they will show the utility, rather than the futility, of the Irish convict system.

In its dealings with the female convicts, the Irish system, like that in every country of whose prisons I have any knowledge, is less successful than with the male convicts. They are subjected, however, in the main, to the same discipline, until the time comes to promote them to the intermediate prison; when, instead of

going there, they are sent to two establishments called "refuges," one protestant and the other catholic, established and carried on by private benevolence. These correspond to our American "homes" and Magdalen asylums, but have a more direct connection with the police authorities than ours have. From them the women are placed out in families, on ticket-of leave, and are subject to recall, I believe, if they misconduct themselves. The number of women in the Irish prisons is small, in comparison with the number of men, as is the case almost everywhere; and the efforts of the authorities seem to be directed much more to the reformation of the men than of the women.

Perhaps this is unavoidable. In Massachusetts, however, where we have had for several years some features of the Irish system, and where we hope to introduce it completely before long, steps are now being taken to give the women in prison as good a chance of reformation as they will accept. A state commission, appointed under a law of the present year, has power to transfer the women in the Massachusetts houses of correction (where all grades of feminine crime are punished together, for women are not sent to the Charlestown state prison) to prisons where there shall be only women, and to so classify them as to permit the best possible efforts to be made for their reformation. The secretary of this commission is one of the secretaries of this congress, Rev. Joshua W. Coit. It is assisted in its work by an advisory board of women, who are individually connected with the two "homes" or "refuges" for discharged female prisoners in the state. The intention of the commission, as I understand, is to select, at once, two or three out of the fourteen or fifteen houses of correction in Massachusetts for use as female prisons, and transfer to these, early in 1871, such of the female convicts throughout the state as it is deemed wise thus to transfer; at the same time re-arranging and classifying the male convicts in the other houses of correction. This work, if thoroughly done, will be a great step toward the introduction of the Irish system into the minor prisons of Massachusetts; and, if properly seconded by further legislation, will prove, as I believe, of much advantage to prison discipline in Massachusetts and elsewhere. The law of 1870 was passed at the earnest solicitation of many ladies who knew the condition and the needs of their sex in prison; and whatever measure of success follows, it will be largely due to those ladies, among the most active of whom were the

members of the new "advisory board of women," Miss H. B. Chickering, Mrs. Clara T. Leonard and Mrs. Pauline A. Durant. The friends of prison reform in Massachusetts congratulate themselves on the powerful aid which these ladies and their associates are giving to the good cause; and I close this insufficient essay with the mention of their labors, because I have no doubt that, whatever obstacles there may be to the introduction of the Irish convict system in America, they will not prove strong enough to resist the zeal, perseverance and persuasion of the good women of our land.

XXXVI. Criminal Statistics.

By A. J. Ourt, M. D., Corresponding Secretary of the Pennsylvania Board of State Charities.

The undersigned, having been appointed by the committee of arrangements to prepare a plan of uniform annual statistics of crime for the consideration of this congress, respectfully reports the three following tables as formulas for recording such statistics:

Table No. I:

Being a blank form for registering the description of prisoners, when received. The book should be printed with the headings as marked, and two blanks on each page, one under the other, making an oblong book, and should not contain more than one thousand forms.

No.
Age,
Native of,
Bound,
Trade,
Complexion,
Eyes,
Hair,
Stature,
Marks,
No. of convictions,
Parents,
School,
Reads and writes,
Temperate,
Married,
Army or navy,
Property,
Crime,
Sentence,
County and court,
Sentenced,
Received,
Remarks,

TABLE No. II:

Exhibiting the blank form or description of No. I, filled up by all the terms that need probably be used. One or other of the terms here suggested should be employed, in order to secure uniformity in statistics.

No. 4260. HENRY JONES.

Age — 25 years.
Native of — Mass. (if born in state where the record is kept, give the county.)
Bound — Not bound, or bound and left, or bound and served time out, etc.
Trade — Butcher, etc.
Complexion — Light, dark, etc. If colored, state if mulatto or black.
Eyes — Blue, etc.
Hair — Dark, etc.
Stature — 5 ft. 4 in. Foot, 8¼ inches.
Marks — Scars, cuts, etc., describe them.
No. of Convictions — 1st or 2d conviction — 1 here; or 3d conviction, 2 here, etc. O. C. — 1 here, etc.
Parents — Living; dead; mother living or father living.
School — Public school, 2 years; or private school, 1 year.
Reads and writes — Cannot; reads only, or reads and writes; collegiate education.
Temperate — Sober; moderate drinker; occasionally intemperate; intemperate.
Married — Single; separated; married, or wife and one child; widower, etc.
Army or Navy — Army two years; navy one year.
Property — Pocket-book and 50 cents, etc. (recording the property brought to prison).
Crime — Manslaughter.
Sentence — Four years and six months.
County and Court — Boston Co., O. T. Q. Sess.; or Quar. Sess., etc.
Sentenced — May 10, 1869.
Received — June 1, 1869.
Remarks — Physical health impaired, etc.; weak intellect, etc.

Explanation: Opposite to the heading No. of convictions we have second, 1 here; 3 — 2 here; O. C. — 1 here, etc. The first or highest figure represents the whole number of convictions, including the present one; the second figure indicates how many of those convictions were to the institution making the record. Thus, 3 — 2 here, would represent the prisoner as having been three times convicted and sentenced, two of which had been to this prison. O. C. — 1 here, etc., is intended for old convicts, and is to be applied to those convicts only, whose number of previous commitments to other institutions has been so frequent as to make it impossible to ascertain any thing near their exact number.

Again: Opposite to the heading of temperate, occur the following

phrases: sober, moderate drinker, occasionally intemperate, intemperate. These terms, as used by different writers, are likely to mislead. We would suggest the following arbitrary definitions of them, when used in criminal statistics: sober or abstinent, is one who never uses malt or spirituous liquors; moderate drinkers, are those who never become intoxicated, but use either malt or spirituous liquors; occasionally intemperate, are those who occasionally become intoxicated, or indulge to excess; while those termed intemperate comprise a class who are frequently intoxicated, and become so whenever or wherever they have an opportunity.

TABLE No. III.

Exhibiting the character of the crime committed by white and colored convicts of either sex, and by minors or adults, by natives of the state (in which the record is kept), other Americans, and foreigners. The influence of parental restraint would be also indicated, in the class of crimes for which whole or half-orphans are convicted, as compared with those who have both parents living. The crimes due to ignorance, or modified by education; the discipline of public or private schools; industrial apprenticeship, or habits of the convicts, etc.. are also presented, or easily deduced from the table.

	AGE, SEX, COLOR, Etc.	CRIMES.									TOTAL.	PER CENT.
Color and sex.	White Males											
	White Females											
	Colored Males											
	Colored Females											
Age.	Under 16											
	16 and under 18											
	18 and under 21											
	21 and under 25											
	25 and under 30											
	30 and upwards											
Nativity.	Natives of this State											
	In other States of U. S.											
	Born in Ireland											
	Born in Germany											
	Born in England											
	Other Foreigners											
Apprenticed.	Never Bound											
	Bound and Left											
	Bound and Served Time out											
Convictions.	1st Conviction											
	2d Conviction, 1 here											
	3d Conviction, 2 here											
	Old Convicts, 1 here											
Parental relations.	Parents Living											
	Parents dead											
	Father Living											
	Mother Living											
Atten'd school.	Attended Public School											
	Attended Private School											
	Did not go to School											
Educat'n.	Cannot Read or Write											
	Read only											
	Read and Write											
	Collegiate Education											
Habits.	Sober											
	Moderate Drinkers											
	Occasionally Intemperate											
	Intemperate											
Social state.	Single											
	Married											
	Separated											
	Widowed											
Army, navy.	Served in the Army or Navy											
	In neither											

VALUE OF UNIFORMITY IN STATISTICS.

If every prison and reformatory institution in the United States would annually publish a table prepared in the form of No. 3, it would, after the facts of a sufficient number of years had been accumulated, enable us to solve many of the questions relating to social science, and particularly one of its most important branches, penology; and until officers of such establishments are willing voluntarily to labor for the cause of a common humanity, by presenting the statistics of their various institutions in a uniform and intelligent manner, available and understood throughout the whole country, no enlightened progress can be made in the reformation and education of that portion of the brotherhood of the human race whose moral diseases render them amenable to the discipline of penal or reformatory institutions.

CLASSIFICATION OF CRIMES.

In regard to the order in which crimes should be classified, when the alphabetic form is not used, we would suggest, 1st, Crimes against property, without violence; 2d, Crimes against property with violence; 3d, Crimes against persons, the highest grades taking precedence. By observing this order, comparisons and combinations of statistics of the various institutions would be greatly facilitated.

Too much care cannot be taken in designating the crime by its specific name, as it frequently happens that prisoners are committed for larceny, when it should have been recorded horse-stealing, etc., and sometimes the offence is only an attempt, and not the accomplishment of the act itself. In all these cases, while the prison register should be an exact copy of the court commitment received, the correction should be made in the register, in parentheses, on the same line on which the offence is recorded; and in the published statistics the true crime or offence should be given, not the erroneous one, which is often the result of carelessness on the part of clerks of the courts, in not specifying on which count of the indictment the prisoner had been convicted.

Again, it is sometimes difficult to determine to which class of crimes, *i. e.*, against persons or property, certain offences belong, when they are of a mixed character, as burglary, with assault and battery to kill, or assault and battery, with intent to rob, etc. In these cases the probable motive in the commission of the offence would determine us, and we should class them as crimes against

property with violence. In the first of these cases, burglary was the crime sought to be committed, but, being detected in the act, led, secondly, to assault and battery to kill. In the second case—assault and battery to rob—the motive was evidently the possession of the property, which could only be obtained by an attack upon the person. The same with highway robbery, which (notwithstanding it is a crime against the person) is clearly a crime against property, when considered as to the motive in the commission of the offence.

We may add, however, that, in offences of a like character, when any doubt exists as to the proper class to which they belong, it is best not to abbreviate the offence by calling one burglary, the other robbery, or assault and battery, etc., but to give the whole crime, in order that a full knowledge may be had of its character.

BASIS OF COMPARISON.

The efforts which have been made by prison societies, inspectors, wardens, and other advocates of different systems of prison discipline, to prove their favorite systems the best by percentage tests of insanity, mortality and reformation, have shaken our faith in the ancient maxim that "figures will not lie." Their truth we now believe depends very much upon how they are placed. It will not be denied that criminal statistics are the highest authority for deciding the vexed question of the best system for the reformation and curative treatment of criminals, and that they are also the only medium through which to obtain a true knowledge of the causes of crime, and, by deduction, the means for its prevention.

But it is necessary for this purpose that they should be uniform, full and reliable, gathered from as large a field of observation as possible, and carefully analyzed. The highest skill in their tabulation is necessary to enable us correctly to use them as a basis of comparison.

In the matter of mortality, insanity and hygiene, the basis of comparison would be to consider the age, color, sex, habits and physical and mental health of convicts when committed, in contrast with the period of imprisonment, cause of death, or the physical and mental health when discharged. The influence of confinement under any system can thus be judged correctly

RE-COMMITMENTS.

Re-commitments as a basis of comparison will, we believe, be accepted as the true test for ascertaining the value or efficacy of any penal system to reform convicts; but, unfortunately for us, the method of calculating re-convictions in the United States is upon the number of commitments, while in Europe the correct method is adopted of computing them upon the number of different individuals discharged. The object of correctional discipline being to reform individuals, the true basis of calculation would be to ascertain how many have returned or been committed of the whole number of different individual prisoners discharged and liable to reconviction. All deaths occurring upon first conviction should be excluded. By this method we would have the means of judging to what extent any system of convict treatment had benefited those who had been discharged after undergoing its peculiar discipline. The time elapsing between the discharge and return of the convict should also be considered.

In this connection, if the time served by the recommitted prisoners on their first imprisonment was compared with the time served by the whole number discharged for a similar period, legitimate conclusions would be arrived at as to whether long or short terms of imprisonment were the most deterrent or reformatory, under each respective system of convict treatment.

Though appointed for the single purpose of preparing blanks, the undersigned, in making explanation, has ventured on a few considerations affecting the general objects of the congress.

A. J. OURT.

XXXVII. Executive Pardons.

By Rev. J. L. Milligan, Chaplain of the Western Penitentiary, Pennsylvania.

Penal science, like all other true sciences, must be built upon experiment and the observation of facts. Opinions gather weight and force, not because they are advanced by such and such a man, but because they are founded upon what the man has seen, or tried, or known personally to have been successful, or otherwise.

The controlling of bad men — of ignorant, yet cunning, shrewd men — men with passion all ablaze — men with resolutions and emotions rising and falling just as the breezes of passion sweep them — young men cankered and corrupted, but for whom there may be an honest and bright and glad future — middle aged men, who have drifted with the murky under-current of society, without a local habitation, but with *many* names — old men who have bowed so long to the force of circumstances or vicious habits as to know no self-constraint, and acknowledge willingly no external restraint; this is a task difficult to be achieved.

What is the influence of executive pardons upon such a mass of sinful, sinning, restless humanity?

The executive of every state is vested with a power that stirs to the very depths the currents of restrained criminal activity. It is he alone who can give liberty or life to the criminal condemned to imprisonment or death. It accords with the fitness of things that such a power should be lodged somewhere. The *judicious* mingling of justice and mercy makes even the divine government to be revered, loved and obeyed. These two attributes of justice and mercy — of punishment and pardon — can be made to harmonize and secure the highest good possible, under the conditions in which society is placed.

To pardon a man implies his guilt. The act in itself recognizes the fact of transgression. Without sin, the law is dead. Without culpability, what is called an act of pardon is a mere restoration.

If the authority to grant reprieves has nothing in its true nature and office antagonistic to the highest end to be reached by penal reformatories, it must be a helper, in some way, to good results. The fact that a good in itself may be made an evil in its issue does

not warrant the wholesale condemnation of the good. If its absence gives the bad the supremacy, it is a positive evil to lessen the forces and weights on the side of good and humanity.

It is an undoubted fact that executive clemency has often been exercised when the act was a clear mistake — being at once an injury to the recipient and a scourge to the community. But oft-times the community, that is, members of the community, are quite as much to blame as the executive, on account of their unwise and persistent importunity.

Is the executive more worthy of censure because he enlarged the dangerous prisoner than the community is which, either by its silence or its overt act, assists in bringing about the very result so bitterly complained of, *after* it has been done? Justice demands that society should bear a portion of the odium which has been heaped upon the executive chair.

Personal responsibility is no less solemn and binding than that which grows out of official station. Men always discuss and criticise executive duty, privilege and action, with a freedom of speech and conclusion that deserves to be characterized as rash, if indeed some harsher epithet would not be more fitting.

There is now, as heretofore, a disposition manifested to have some material change instituted in the manner of granting pardons. Many persons look upon it as a matter of mere favor to friends, rather than one of grave practical importance to society and the criminal class. Some would cut off the prerogative entirely, and give the law its inexorable force, without the possibility of interference from any quarter. Others justly hold to the necessity and benefit of executive clemency under certain conditions. With the former class there can be no discussion. The aim of the latter class is understood to be directed to a simple reform in the manner of its exercise. They wish the dignity and majesty of the law to be recognized, and at the same time they would secure for the actually unfortunate the blessings which flow from the due combination of justice and mercy.

This is the *ideal;* its realization is the difficult part. Living, as we do, under a republican government, with the right of appeal so full and unrestricted, the pressure of the claims of friendship, the indebtedness which political preferment brings in its train, the deep sympathy of hearts yearning with love rather than guided by judgment, and the cries of suffering families, make a united

appeal, which, to say the least, is very strong. It takes a brave man to keep his gaze steadily fixed upon the blinded figure of justice, while the tears and entreaties of a distressed wife or mother or sister fall and plead in unaffected eloquence. Governors are made of flesh and blood.

Doubtless, every man who has ever been placed at the helm of a great state, such as Massachusetts, New York, Pennsylvania or Ohio, has found his power to pardon state convicts the most embarrassing of all his duties. With 1,500 or 2,000 applications pressing themselves upon his time, sympathy and judgment by letter, by the prayers of prominent citizens, by earnest, honest, hard-working friends, his office is no sinecure. He is aware that the most upright judge may mistake in administering the law. He knows that the most honest jury may misinterpret and misapply the testimony. He has heard the fairest witness give impressions which the truth will not warrant. Too often he has known combinations of evil men, who, from motives of interest, passion, prejudice or vengeance, have succeeded in turning justice and truth aside from their due course. Cognizant of all these weaknesses and villainies, his pillow cannot be an easy one. Many a time, doubtless, in the midst of the gathering difficulties of his position, he could heartily wish a syncope of this prerogative. His office is not guarded with sentinels and courtiers through whose scrutiny and inquisition the applicant must approach. His door must open to all. To the lowly as well as the lordly he must give audience. An executive so circumstanced will find it necessary to establish certain fixed rules to guide his official action. Governor Geary, of Pennsylvania, has laid down the following principles and regulations for pardons to this end, viz.: that,

"*First.*—No pardon will be granted until notice of the application therefor shall have been given by publication, once a week for two consecutive weeks, in a newspaper printed in the county in which the conviction was had.

"*Second.*—No pardon will be granted unless notice of the application shall have been given to the judge who tried the cause, to the district attorney or to the attorney who prosecuted. Proof of which notice shall be furnished this department.

"*Third.*—All applications for pardons must have with them the following papers, written in a clear and distinct hand:

"1. A certified copy of the whole record, including docket entries, minutes of court, copy of indictment, pleas and all other papers on file in the court relating to the case.

"2. A full statement of the reasons upon which the application is based, setting forth all the facts; the notes of evidence taken on trial; letters from responsible persons in the community where the crime was committed; a recommendation from the jurors who sat on the trial, and, if any of them refuse to recommend a pardon, reasons for such refusal; letter from the district attorney or counsel who tried the case; and a letter from the judge setting forth his views upon the subject of the application.

"*Fourth.*—Recommendations for pardons for unexpired terms of sentence must have a copy of the whole record, as before required. Also copy of commitment; petition from prisoner setting forth reasons; and statement from warden and inspectors of prison.

"*Fifth.*—No personal application will be permitted.

"*Sixth.*—As these rules are intended to subserve the administration of justice, they will be strictly enforced, and relaxed only when good reasons shall be furnished for so doing."

These are Governor Geary's safeguards. It is the duty of the attorney-general or his deputy to review and reduce the testimony in the case in hand to its definite points. Thus, in any given case, the whole history of the trial and the personal claims of good character are before the executive, when he sits in judgment upon a prayer for pardon. It is thus that he officially recognizes the great trust confided to him, and shows his desire to conserve the high aim of the law. The non-requirement of all these *data* of judgment would greatly lessen his labor, but it would give the appearance at least of disregard for the prerogatives of the judiciary.

Whenever the executive invades the province of the judicial department, without co-operation from the judiciary itself or without some valid reason patent to the eye of the public, there is danger to be apprehended. But it cannot be said that the executive oversteps his province, when, at the recommendation of the jury who convicted and the judge who sentenced, he sets the condemned at liberty. It is to be presumed that no petty pretext will permit any governor of a state, who regards his official oath, to thrust his pardoning prerogative athwart the safety secured by

impartial justice. The mistakes are held in vivid remembrance, while the benefits accruing from the same act, at another time, are forgotten or passed by in silence.

In the valuable pardon statistics, found in the report of the eastern (Pa.) penitentiary for 1869, prepared by Dr. Ourt, it will be seen that, since the opening of the prison in 1829, there have been committed 6,228 prisoners. The annual average of pardons has been but a little over four per cent. "The per cent of pardoned and recommitted, 6.71 in a period of thirty-nine years, being an increase of only three-fifths of one per cent since 1848, or almost nothing at all."

From the opening of the Massachusetts state prison in 1805, till 1868, the whole number of prisoners committed was 7,400. Of this number 1,019 were pardoned; the average time served was thirteen years; and the percentage of pardoned was thirteen.

If the noble system instituted by Sir Walter Crofton reforms 80 per cent of the criminal class that come under its humane provisions, and returns them to honest and industrious lives, it does a grand service to humanity. It accomplishes what it does through appeals to innate manhood; it cultivates self-respect by gradually demolishing the walls of antagonism which stand so frowningly between the criminal and the prison officer; it begets confidence, by justice as well as love; but then, on the very principle of its action, would it not accomplish more by a full pardon, without the use of "tickets-of-leave," which necessarily follow the prisoner with the espionage of the police, who do as much often to make criminals as to guard society?

There is, doubtless, a period in the incarceration of a great portion of the comparatively intelligent prisoners, when it would more certainly secure their reformation to grant them a full pardon. Gratitude is a stronger restraint with many criminals than fear. To keep a man in prison from a mere ideal sense of justice until hope, self-respect and manhood give place to a morose, indifferent or vindictive spirit, is by no means the best method to repress crime.

Every conscientious and closely observant prison officer knows of many prisoners under his charge, who, if he would confess it to himself, he believes would be saved to society and the ranks of honest industry, if, by executive clemency, they were made citizens again. How often have we seen the stolid and soulless movements

of the prisoner who, by a judicial sentence, tyrannical rather than just, is compelled to remain "in durance vile" for years after the release of a companion sentenced for the same crime? Give us, then, a more discriminating judiciary and a revised penal code, or let the pardoning power stay as it is. Of the 643 pardoned from the Massachusetts state prison up to 1865, only seven were recommitted.

During the last six years there have been pardoned 174 from the population of the western (Pa.) penitentiary; only six of these have, as far as known, been reconvicted. Statistics of similar import could be presented from other prisons, but these are sufficient to show that good is done by a judicious use of the prerogative of mercy.

As to the best plan for the exercise of the pardoning power, there is, perhaps, no better way than to leave it in the hands of the executive, guarded by his sense of official responsibility. More care and more attention will thus be secured, as well as more prompt action one way or the other.

In Connecticut the prerogative of pardon is vested in the legislature; in Rhode Island, in the governor and senate. Opinion differs in those states as to the wisdom of these methods; but in a large and populous state, with hundreds of criminals and thousands of cross-plans and political manipulations, this plan could not fail to work out pardons on the ax-grinding system, rather than from the settled principles and carefully formed convictions of a considerate, judicious and conscientious executive. It places this difficult matter in the care of a body of men, who have neither the time nor the disposition to bestow the thought and personal investigation requisite to secure a proper administration.

One state — New Jersey — has introduced a "board of pardons," as recommended by Dr. Lieber. It is so constituted as to embrace a wide range of judgment and opinion. It has an organization that secures a lofty grade of legal talent and experience, a fact which should give it a high place in the minds of those directly interested in its action. But a pardon board, however it may be constituted, will, necessarily, more or less divide and distribute responsibility. In form it professes to relieve the executive, while in fact it but pushes back the onus on his shoulders. If he chance to be in the minority as to the propriety of granting a certain pardon, is it fair to ask him to yield and yet bear the responsi-

bility? Whatever form the act takes in its rise, it is still, in its issue, the act of one man. Shall a chief do violence to his own conscience? Shall he be compelled by law and the votes of two or three men to place himself as a target to receive the thrusts of public opinion?

The influence of the exercise of the pardoning power is not, then, always deleterious on the imprisoned criminal. The hope of pardon is, not unfrequently, an incentive to good conduct, and a support under the despondency of a long sentence. If the prisoner thinks at all, he is restless. His condition of curtailed personal liberty, if pardon were an impossibility, would disquiet his spirit. The scenes and memories of home, of parent, friend and family, harrow his soul. His present outlook and his prospect in the future, filled as he is with remorse and the scorn and rebuke of society, drive arrows to his heart. The grace of Christ alone can grant the pardon that shall give full rest and peace to his perturbed, anxious, foreboding spirit.

XXXVIII. The Christian Duty of Caring for Neglected and Criminal Children.

A Sermon, prepared to be preached before the Congress, by Frederick Merrick, D. D., President of Wesleyan University, Delaware, Ohio.*

"For the Son of Man came to seek and to save that which was lost." *Luke* xix, 10.

We walk amid shadows. We see but through a glass, darkly. There is much of mystery in all with which we have to do. We know but in part. But, while our knowledge is thus limited, we know enough for duty; and this will prompt a truly christian spirit earnestly to inquire, with a view to its performance, "Lord, what wilt thou have me to do?" while faith submissively exclaims, in reference to what is concealed, "Even so, Father, for so it seemeth good in thy sight."

We are this evening to consider THE CHRISTIAN DUTY OF CARING FOR NEGLECTED AND CRIMINAL CHILDREN.

Are there such to be cared for? Alas! but too many. Our cities swarm with them. They are seen in every alley and at every street corner; at the doors of the saloon and of the theatre; on the wharf and in the public park; they are found in garrets and cellars, in the gutter and on the curb-stone. Go where you will, their forlorn and haggard faces greet you; some begging, some sweeping street-crossings, some picking rags, and some picking pockets; and not a few pining where sunlight and smiles are alike unknown. Nor are they found in the cities alone. If not as numerous in the towns and country, still there is scarcely a community in which some may not be found. It is a low estimate which places their number in the United States at one hundred thousand, to say nothing of multitudes, not included in this estimate, whose condition calls for our sympathy and aid.

Can they be benefited by our labors? Undoubtedly. Ignorant they may be, and many of them very vicious. Still, they are human — susceptible to all the influences which affect humanity. Nor are the most vicious so much hardened in crime as accustomed to

* Dr. Merrick was prevented by sickness from preaching this sermon; but the Publishing Committee deem it proper to give it place among the Transactions of the Congress.

it. Especially are they not, as a general rule, hardened by resisting good influences; for of these most have known but little. Neglect, cruelty and bad example have chiefly made them what they are. "Never," said one, at the Ohio state reform and industrial school for girls, a few weeks since, "never before coming here did I know what it was to be spoken to kindly;" and where no kind words are spoken, there can be little good. Such children are usually very susceptible to kindness. Indeed, it is wonderful how most are moved by it. Just after writing this sentence, it was my pleasure to witness a beautiful illustration of its truth in the institution already named. It fell to my lot to introduce to the school a gentleman but then recently appointed one of its trustees — a gentleman whose great heart is an ever living well-spring of kind and generous impulses. As he passed among the pupils with his glowing countenance, speaking words of kindly cheer and hope, and extending to each a hand of generous greeting, every heart seemed touched, and tears were in nearly every eye. A still more striking example I have from the superintendent of the reform school for boys, at Lancaster, in this state. A boy of most violent temper and stubborn will was committed for the crime of manslaughter. He proved to be so unmanageable that it became necessary to confine him in a cell. Hoping he might be somewhat subdued by his confinement, after a few days he was liberated. But no change for the better had been effected, and he soon made his escape. Not long after he was returned, more sullen and vicious than ever; and again he was confined. He now became so violent that, for the safety of those who attended upon him, he was put in chains. This failing to subdue him, the matron requested that his chains might be removed. Entering his cell alone and seating herself by his side, she read to him from a book she had taken with her, and conversed with him in her own peculiarly winning way. He listened in sullen silence, apparently unmoved, though offering no violence. Day after day she returned to her task, sometimes taking with her little delicacies from her own table, and in various ways seeking to melt down his hardness and exorcise him of his evil spirit; but all apparently without producing any favorable effect. But if he was not conquered, neither was the matron. Love was not to be overcome by hate. Daily she continued to ply him with words and acts of kindness, until on one occasion, as she was speaking to him in loving and gentle tones, perhaps a little

saddened by his persistent stubbornness, he suddenly started, as from a revery, exclaiming, "Mrs. Howe, you may stop, and they may let me out; I shall make no more trouble while connected with the institution." They were the words of a subdued and penitent spirit. Kindness had won the victory. To-day he is a worthy officer of the institution.

Yes, this class of children can be benefited. Sympathy and labor expended for them is not in vain. Few fields of benevolent effort yield more satisfactory results.

But why is it a duty to care for them? It is a duty to care for them, in the first place, because *they are unfortunate.* Some of them, it is true, are criminal; but not necessarily on that account less unfortunate. Crime indeed is crime, and it is a false morality which would make its commission only a misfortune, as it is a morbid sentiment which extends to the criminal only commiseration; and yet, in the history of the most guilty there is much which justly claims our pity. This is especially true of all juvenile offenders and in many cases it is the chief, if not the only, feeling with which their crimes should be regarded; for sad, intensely sad, has been the lot of most. Let us go among them for a few minutes and learn something of their history. Here are some who have been disowned and cast off as foundlings to hide the shame of their parents, who have never known and will never know the preciousness of parental love; but who, instead, are doomed to bear the shame of a sin in which they share no part; bitterly illustrating in their own experience how the sin of the parent may become the sad inheritance of the child. Others, orphaned by the providence of God, find neither relative nor friend to care for them; but alone are left to battle, as best they can, against their hard lot, with but few circumstances tending to improve or encourage them. Some are the children of intemperate parents who, by strong drink, have been robbed of the precious endowment of natural affection — whose very tender mercies are cruelty — who can see their children pining in want, ignorant and uncultivated, and turn from them to seek gratification in the drunken debauch; and some the children of professional beggars and theives, trained from infancy to deception and crime, surrounded only by influences which tend to corrupt and degrade; and still others, the children of parents who, from poverty or disease, and often from both, however disposed, are unable prop-

erly to provide for their offspring. Unfortunate these children are, and most of them peculiarly so; and if misfortune entitles to commiseration and aid, then have they a just claim to our sympathy and fostering care.

2. But they should be cared for *in view of the hoped for results, especially to themselves.* The value of the results of labor and skill depend largely upon the material upon which they are expended. The lapidary may labor long, and with consummate skill, upon a piece of coarse sandstone, and the result of his labor will be of little or no account; while the same effort, expended upon a pearl or diamond, might reveal hidden beauties which would immensely enhance its value. But there is no pearl like the human soul—no diamond which can be so improved by wisely directed labor. It is a pearl of great price—a diamond which, when properly cut and polished, is not unworthy to deck the diadem that encircles the Redeemer's brow. The whole teaching of revelation tends to impress us with a sense of the unspeakable importance of every individual of the race. But to each one is his own existence especially important. Man—every man—created in the image of his Maker, an heir of immortality, capable of unlimited improvement, and susceptible of unspeakable sorrow or joy, "what shall it profit him if he gain the whole world and lose his own soul? Or what shall he give in exchange for his soul?" These unfortunate children are in special danger of being lost. I attempt no theological statement here of what is involved in the destiny thus foreshadowed; but no one, whether a believer or an unbeliever in any special creed, can doubt that all which gives value to existence is, in the case of these children, put in fearful jeopardy; or that, by proper effort, many of them may not only be saved from this impending ruin, but so trained as to secure to themselves all the rich benefits of an intelligent and virtuous life. They may be saved—saved to society; saved to bless and not curse the community in which they dwell; saved to themselves; saved to know the blessedness of an existence which answers all the great ends for which it was given—the blessedness of living in harmony and fellowship with the Father of their spirits, and with all that is pure and good in His universe. With benefits so incalculable, duty cannot be doubtful.

3. Again, to care for these children is a duty in view of the fact that *from this class largely come the criminals of the country.*

The statistics of our penitentiaries, jails and criminal courts furnish abundant proof that such is the fact. And who can estimate the amount of evil these criminals inflict upon society. It is an evil felt by all. In some form it penetrates every department of society. As personal violence, loss of property, sense of danger, or humiliation and shame, it touches us all. And what is truly alarming is the fact that crime, at least in this country, is greatly on the increase. The daily report of cases of shooting, stabbing, poisoning, house-breaking, rioting and drunkenness, is producing a universal feeling of insecurity. We walk the streets of our cities with a nervous apprehension that the first step we hear behind us may be that of an assassin. We bolt our doors at mid-day, and set our electric alarms at night. Time was when this was not so. No doubt much of this apparent increase of crime is to be attributed to the zeal with which facts of this class are gathered and circulated through the press; still, every one's own observation must have convinced him that crime, in its multifarious forms, is becoming more and more common. Its hideous visage is seen everywhere; in high places and in low, in city and in town, in village and in country, in the business mart and in the private retreat. Go where we may, it confronts us. Even he who asks our charity watches his opportunity to pilfer, or mocks our generous sympathy with a tale of sorrow never experienced. It is painful and humiliating to recognize these facts, but they cannot be disguised. They give us too much trouble and anxiety for this. In reply, it may be said that goodness is also becoming more active and efficient. I rejoice to believe that such is the fact, but that does not disprove what I have said of the increase of crime; it only proves that the conflict of moral forces is becoming more intense — a fact, indeed, patent to all.

But crime is not only a disturber of the peace and safety of society; it is expensive. This, though one of the least of its evils, is by no means trifling. It is a heavy tax upon every community. The torch of a single incendiary may cost a city millions of dollars. The expense of one criminal trial often would suffice for the proper training of a score of these neglected and exposed children. Crime is always expensive. Where it can be done, it certainly is better economy even to prevent than to punish it. True, one of the chief ends of punishment is its prevention; but the theory which would make it the chief *means* of accomplishing this end

is radically defective. Punishment, of course, comes too late to prevent the crime for which it is inflicted. Does it reform the criminal, and thus prevent his repetition of his offence? Rarely, if ever, of itself; though, without doubt, it often does prepare the way for the efficient working of other and higher influences. But it is chiefly upon the *fear* of punishment, rather than upon punishment itself, that reliance is placed for the prevention of crime. But fear, like suffering, separate from moral convictions, has little or no reformatory power. It may at times prevent the commission of certain crimes. But it does not change the disposition of those it restrains. It may repress the flames of the volcano, but it cannot extinguish its fires; it may check the flow of the stream, but it cannot dry up its fountain. For this, other influences are needed — influences which appeal to the affections and conscience. It is these alone which effect a change of character; and without a change of character little is accomplished. Uneradicated, in some form the evil will break out. The probabilities of detection and punishment may, indeed, be so increased, and the penalty of certain crimes be made so severe, as to deter most from their commission, at least for a time. Yet this is not only expensive, but, failing to effect a change of character in the evil-disposed, it does little more than divert the current of crime into new channels. One form of crime disappears but to give place to another, and to one perhaps more dangerous than the one suppressed. The real evil still exists. The seat of the difficulty has not been reached. The evil-minded are still at work, or watching their opportunity. Unchanged for the better, they are probably waxing worse and worse. The unsatisfactory results of attempting to suppress crime by the fear of punishment solely is strikingly illustrated in the police system of Paris. That city has, undoubtedly, the most efficient police in the world. In all public places its agents are well nigh omnipresent. The result, ordinarily, is quiet and order and a sense of security, which are themselves a high encomium on the efficiency of the system; and, to a casual observer, they might suggest a high state of moral culture among the people. And yet the corruption of the city, as is well known, is great. As with the sinners of Ephesus, it is a shame even to speak of the things which are done by its people in secret. Despite the enormous expense of its government in preserving order and suppressing crime, the city is but a seething volcano, ever quaking with

the throes of a threatened explosion; while crime, though less public than elsewhere, is fearfully common. The evil-minded are not reformed, and as the bitter fountain will send forth bitter waters and the corrupt tree bring forth evil fruit, this result is inevitable. Reform, I repeat, rather than restraint, is the true remedy.

But *when* shall this work of reforming commence? Will you wait until some great crime has been committed, and the offender convicted and sentenced? Will you commence with the prisoner? This is not only repeating the folly of locking the door after the horse has been stolen, but of leaving the twig to be straightened until after it has taken on the inflexibility of the tree; of permitting to pass the best, if not the only, time for hopeful labor in the work of reform. The reformation of the old and hardened in crime is possible, but it is proverbially difficult. It is like the leopard changing his spots, or the Ethiopian his skin, for such to cease to do evil and learn to do well. I would discourage no effort for their reformation. Let all be done for them that can be, and blessed be he who turns but one from the error of his ways. His reward shall be great, for he has saved a soul from death and covered a multitude of sins. But chiefly from labors bestowed upon the young are we to look for success in seeking the prevention of crime by reforming the vicious. Juvenile offenders are much more easily influenced than old. Their habits have not become inflexibly fixed, nor their consciences seared; nor do they feel that the time for success in a virtuous course of life has for them passed. What life is to be to them is chiefly yet to be decided. To them, therefore, may be addressed all the high motives to a well-ordered life, and not without good hope that it will not be in vain.

But more hopeful still is the larger class of these neglected children, whose lives, as yet, have been stained by no crime; but who, from exposure to many and strong temptations, without natural guardians, or such only as neglect and abuse them, if left to themselves, are almost sure to fall into evil practices, and in the end to become hardened criminals. Most of these, by proper care, may be saved, and society thus relieved from what would otherwise prove an expensive and troublesome burden.

4. Again, the caring for these children is *a duty we owe to God, the Father of us all.* In him we all live, and from him receive

all which makes existence a blessing. Our obligations to Him admit of no increase. To do His will is our highest duty. No one can question that it is His will that all should be virtuous and happy. Equally true is it that he has seen fit to place our well-being largely in each others keeping. To care one for the other is, therefore, an obvious duty — a duty we owe to God as well as to our fellow-creatures. The command to love our neighbor as ourselves is thus enforced by a two-fold obligation. From this duty which we owe to Him, will God, in nowise, excuse us; nor should we desire it. Every motive of obligation, love and gratitude should prompt to its performance. "Am I my brother's keeper?" is a question unworthy of one who owes his all to Him who demands this service of love; and this general duty has a special application to the class of whom we are speaking — these unfortunate children. There is something wonderful in God's regard for the unfortunate and erring, and even for the guilty. The most remarkable manifestation he has made of himself to man is in his purpose of mercy toward such; and He who spared not his own Son, but delivered him up for us all, would certainly have us care for those in special danger of being led into sin, or who have already overstepped the limits of propriety and virtue; and it is a short-sighted and erroneous view which leads us to suppose he cares less for the child than the man. He with whom one day is as a thousand years sees the child already in his fullness of years and maturity of character. To Him, childhood and youth are vanity only as their precious opportunities are perverted and lost. He understands, as none other can, how unspeakably precious these opportunities are; and he would have us labor to prevent their perversion by those who, unfortunately, are placed in circumstances of peculiar temptation. "Take these," he would say to us, "and teach them how to live; take them and train them up for me." Thus, to care for these children is clearly a duty we owe to them, to society and to God.

But my theme requires me to notice this work as a *christian* duty. And there is a propriety in this. Christianity is eminently a reformatory system. It was in the purpose to reform and save a corrupt and guilty world it had its origin. God looked down upon the earth and saw that the wickedness of man was great; and in the yearnings of infinite love exclaimed: "How shall I give thee up?" From this divine compassion for man sprang

he great remedial scheme. Originating in *love*, it was planned n *infinite wisdom*. He who had said, "let us make man," and vho knew what was in him — knew all his capabilities of good nd evil — knew all his motives to action, the most secret springs f his inmost being, — knew the depths to which he had sunken nd the arts by which he had been beguiled, — knew the eights of holiness to which he might be raised, and the means est adapted to his elevation, — He in whom are hid all the treas- res of wisdom, again said, "let us redeem man." Assigning) christianity such an origin, we cannot but anticipate that it ill be adapted to the reformation of man; and such, certainly, the fact. In all its spirit and system of truth, and in all its pplications of the truth to the hearts and consciences of men, is most perfectly adapted to this end; its whole spirit is that of ood-will to men; it is in profound sympathy with the unfortunate nd guilty; it weeps at the tomb of virtue, and breathes hope ito the despairing; it has warning for the obstinate, and exceed- igly great and precious promises for the penitent. It "reproves, ebukes and exhorts, with all long-suffering and doctrine." for is its doctrine the least of its reformatory influences. Sym- athy, sentiment and affection are all good, and in these it bounds; but man must have truth — truth which can touch and uicken every power of the soul — which can go down to its tmost depths and reveal to it its profoundest wants and awaken spirations for its highest good; and such truths christianity has. t recognizes every fact of human condition and destiny, and weeps the whole domain of the soul with the all-searching eye of mniscience. For every power and susceptibility of humanity, r every want and aspiration, it has its appropriate truth. Never as there an utterance in which there was more profound philoso- hy, or truth of fact, than in the prayer and declaration of Christ: *Sanctify through thy truth; thy word is truth.*"

And in harmony with the spirit and teaching of christianity as the *life* of its founder. Whatever diversity of opinion there ay be in reference to the *person* of Christ, there can be no ques- on that, by both precept and practice, he holds the first rank nong *moral reformers*. He himself proclaims his mission to be, to seek and to save the lost." And sublimely consistent with is purpose was his whole life. To the work of saving men from eir errors and evil ways, he devoted himself with a constancy

and self-denial which know no parallel. Cheerfully relinquishing the ordinary comforts of life, to an extent which warranted him in saying, "the foxes have holes, and the birds of the air have nests, but the Son of man hath not where to lay his head" (not in the spirit of an anchorite, for he knew how to enjoy life, but in the spirit of a true reformer, denying himself that he might the better advance the interests of others), he went forth to his life's work. In the temple, by the wayside, on the mountain, on the sea, everywhere, as opportunity permitted, he instructed the ignorant, reproved the wayward, encouraged the desponding and, by all the winning arts of love, as well as by the restraints of authority, he sought to lead men into a life of truth and purity. Nor did he overlook the children. "Suffer them," said he to his followers, not yet possessed of his spirit nor understanding the design of his mission, and who were shocked at the impertinence of those who would obtrude children upon his attention — "suffer them to come unto me, and forbid them not;" and in sweet simplicity it is added, "and he took them in his arms and blessed them." And we all remember how, at the memorable interview on the sea-side, after his resurrection, he said to his erring but penitent disciple, with an emphasis he could never have forgotten, "Feed my lambs."

In view of the origin of christianity, its reformatory spirit and agencies, and the example of its founder, it is manifestly a christian duty to care for the class of children of which we are speaking. For those accepting christianity, not to do it is grossly inconsistent. It is practically to deny both Christ and his teaching. So he regards it. "Inasmuch as ye did it not unto one of the least of these," Christ represents himself as saying in the day of final reckoning — and of the "these" certainly are neglected and exposed children — "ye did it not to me."

The discussion of the *modes* in which this duty is to be performed is hardly embraced in the subject assigned me, and these may perhaps be more properly considered in the deliberations of the congress than in a sabbath discourse; and yet there is one question so intimately connected with personal responsibilities and duty that I cannot justify myself in neglecting altogether to notice it in this connection. The question is this: How shall this work — this labor of love — be performed? By individual effort? by voluntary associations? or by government? Could its performance be secured by individual effort, this, without doubt,

would be the preferable method. Personal charity is always to be preferred to that which is associated, and especially to public charity. Its moral effect is incomparably greater. It brings the giver and recipient within the sphere of sympathetic influence, and thus awakens and develops some of the noblest, as well as the most amiable, traits of character, as no associated or public charity can. This is especially true, when benevolence seeks to benefit others through the agency of personal influence — an agency indispensable in the work of reform. To attempt this through a third party is like interposing an insulator between the poles of a galvanic battery. Palm must meet palm, heart must meet heart. The spirit, chilled by neglect or palsied by crime, must be stirred and quickened by the warm pulsations of love. The soul, weak in its aspirations for what is good, and borne down by its evil propensities, must needs link itself to that which is strong. Hand must join hand, soul must grapple with soul, in this life struggle; for it is to pluck life out of the jaws of death that these efforts are put forth; and every sympathy and affection by which souls take hold of and influence each other is needed for its accomplishment.

Speaking of this work as a *christian* duty, it may be allowed me to say, that this use of personal influence is one of the vital principles of christianity. Individuality, personal interest and affection, suffering and effort for others, with personal submission and trust, gratitude and love, in those receiving the benefit, make up the gospel. Christ not only dies for the race, but for *every* man; to each individual a measure of the Spirit is given, and to every struggling soul there is a real presence of the Divine Restorer encouraging and strengthening; and in Him must each trust by an act of personal faith, to secure the full benefits of his mission of mercy. "Lo, I am with you always" — "He that believeth in me shall not perish," are Christ's own words, and point clearly to the beneficent agency of this personal presence and influence in the work of lifting up and saving the fallen. But the most wonderful fact in the gospel scheme, the one which, more than all others, floods this subject with light, is that clothing of the divine in humanity — the taking by Christ of our nature, with all its infirmities, and the entering into all forms of human experience, that, as the merciful high priest of humanity, he might be touched with the

feeling of our infirmities, and know how to succor and deliver the tempted. Here is wisdom, profound as the love it guides.

With such light to guide us, we may safely conclude that, in the work of reform, that system is best, other things being the same, which secures the largest amount of direct personal influence. This of course is accomplished by individual effort; and, were there enough of true christian philanthropy diffused through society, with but few exceptions no other method would be required. Paradoxical as it may sound, while christianity has given rise to most or all of our eleemosynary institutions, it will in the end be their destruction. In form some may continue, but not as public charities. Private benevolence will rejoice to minister to each and all as need requires; but that time is not yet. For the present, and it is to be feared for a long time yet to come, individual effort and liberality will accomplish but a small part of what needs to be done. Multitudes, even of the children of whom we have been speaking (those deprived of or neglected by their parents) who have fallen into vagrancy and perhaps crime, and whose forlorn condition appeals most touchingly and powerfully to all the better feelings of the heart, will find no kind hand stretched out for their rescue. These, each of whom ought to find a home in some kind family, but do not, must be cared for by society. The question whether they should be placed in institutions under the control of voluntary associations or of the government, I will not here discuss. Perhaps, for the present, both of these classes of institutions are needed. In the former the element of personal influence can undoubtedly be more largely introduced, and more efficiently, because more naturally, employed; while institutions under the control of the government can compel the attendance of a class which the others might not be able to reach.

But whether any particular one or all of these methods be employed, the proper caring for these outcast children is itself a subject which deserves the earnest attention of the entire community; and in proportion to the interest felt will be the efficiency of any method which may be adopted.

Heretofore this subject has not received the attention it deserves. The blind, the deaf and the idiotic are kindly and liberally cared for. And this is right. But how few think of these outcast and vagrant children, pining in want and surrounded with temptations to crime. For these are usually the frown and rebuff; and yet

their claim upon our sympathy and aid is stronger than that even of the deaf or blind. Their misfortune involves more of the moral; it strikes deeper into the soul; their highest interests are more imperiled. And so, properly to interest ourselves in their behalf, requires a higher form of benevolence. The sight of those deprived of their senses, or maimed, at once awakens our pity, and inclines us to offer them aid. But most do not as readily recognize moral infirmities, nor feel so deeply for those suffering from their effects. And yet not to feel and care for such is to miss one of the highest and most ennobling motives of life. Hence we owe it to ourselves, as well as to the children, to interest ourselves in their behalf. In caring for them, we are working out most efficiently our own highest good. We are lifting ourselves out of the mire of a short-sighted and groveling selfishness, into a benevolence, intelligent and pure — a benevolence which links us to angels and to God — which makes us partakers of the divine nature, and will assuredly make us inheritors of the promises. We cannot afford to neglect them. All our highest interests are bound up in this and other like works of mercy.

And so, too, we owe it to our common humanity. O! how has the bright gold become dim, how has the crown fallen from the head, when human beings, bone of the same bone and flesh of the same flesh — *brethren* — can cease to care for each other, and especially to sympathize with and care for those upon whom has fallen the shadow of a great misfortune. We need to bestir ourselves and find a higher level — the higher plane of an earnest and impartial love.

We owe it to our religion. We are a christian people; and if christianity teaches any duty, it is that of caring for those who need our aid. And who need it more than these children? Let us by thus caring for them show our faith by our works, and best commend the religion we revere and love to those who are without it. Christianity, if we accept it, has this just claim upon us; if we have its spirit, the claim will be cheerfully and heartily met.

We owe it to our country. In what consists the true glory of a people? In material monuments? In wealth? In numbers? In works of art and literature? In military prowess, or the achievements of science? These all have their significance, and of some of them a nation may well be proud. But there is a glory that excelleth. They all pale in the presence of true works of benevolence.

A nation is performing a grander act when liberating its slaves, than when conquering a people; when educating its poor, than when crowning its heroes. Who most honors his race? Alexander or Paul? Tamerlane or Xavier? Napoleon or Howard? Wellington or Wilberforce? Joan of Arc or Florence Nightingale? Christ feeding the hungry, weeping over Jerusalem and dying on Calvary, is the sublimest event in this world's history. Goodness is the truest greatness, and works of mercy the noblest acts.

And, lastly, by the highest of all motives, we owe it to Him who hath bought us, whose servants we are, and whom to serve should be our greatest joy; and to whom be the glory of all the good done on earth and in heaven, both now and for ever. Amen.

XXXIX. Proceedings and Discussions.

By J. G. Adel, of Ohio, Official Reporter of the Body.

First Day.

Wednesday, October 12, 1870.

MORNING SESSION.

The organization of the congress having been effected, as heretofore reported, Dr. Wines, corresponding secretary of the prison association of New York, having been called upon for a paper, said: Mr. President, I am sorry to be obliged, at this early stage of our proceedings, to offer an apology, instead of submitting a paper. I had the honor of having two subjects assigned me by the committee of arrangements — one on the question of an international penitentiary congress, the other on the present outlook of prison discipline in America. The first of these essays I have prepared; the other it has been impossible for me to overtake, pressed as I have been of late with other duties. I therefore ask the permission of the congress to offer a few *impromptu* remarks on the topic assigned for the present hour. I will afterward write out a short paper on the subject, so that it may be inserted in our transactions.

[The reporter omits the extemporaneous remarks of Dr. Wines, as he understands they will be embodied in his essay.]

For the paper of Dr. Wines, see page 15.

Bradford K. Peirce, D. D., chaplain of the New York house of refuge, read a paper under the following title: A General View of Preventive and Reformatory Institutions in the United States.

For Dr. Peirce's paper, see page 21.

Edward L. Pierce, secretary of the Massachusetts board of state charities, said that there was a difference in reformatories as to the restraint put upon the inmates; for instance, in the Westborough reformatory, in Massachusetts, not taking into consideration two or three families on the farm from which boys can run away, the rest of the institution is substantially walled in, while in the Indiana reform school, which seemed to work very well, he believed many of the boys could run away at any moment, and yet they did not. The same system was practised in New Jersey. He desired to know which of the two systems was productive of the

best results. Again, complaints were made by people who took girls from reformatories, because they were not better trained to perform domestic duties. Employers found the girls well trained in arithmetic, geography and the like, but they did not give satisfaction in regard to household work. The difficulty which presented itself to his mind was, that in institutions where they had a hundred or more girls, there was but little for each one to do, and when they went out to work and had to attend to the kitchen, chamber work, etc., they found the work much harder, and a great deal more of it to do than they had in the institution, in consequence of which they became dissatisfied. He felt at a loss to suggest any remedy for this, but would like to hear the suggestions of others.

Mr. COFFIN, of Indiana, begged to say, on behalf of the Indiana house of refuge, that the gentleman was mistaken on one point. They did not profess to govern the boys without restraint, and they did not allow them to run away whenever they pleased. It was simply the difference between the restraint of walls and bars and restraint by moral power.

The Rev. THOMAS K. FESSENDEN, secretary of the board of trustees of the Connecticut industrial reform school for girls, regarded the work to be done by girls as one of the most vital questions connected with the management of such an institution. It is said that paying work is a very small matter compared with the physical, intellectual and moral development of the girls. While he admitted that, he felt convinced that in Connecticut they could have no hold upon the people, unless they could have the girls do some remunerative work that would prepare them for honorable employment when they left the institution.

The Rev. MARCUS AMES, superintendent of the Massachusetts girls' industrial school, said they found no necessity for idleness on the part of the girls in their institution. Their time was entirely employed in domestic labor, attendance on school and necessary recreation. He thought girls in our reformatory institutions should be constantly occupied in such a way as to prepare them for the duties of life. At their institution they had a much greater demand than they could supply for girls at domestic service. If they were trained to do house work, knitting, sewing and laundry work well, they could easily get good situations. They were well prepared for the duties of wives and mothers. We place our girls, said he, alternately, in the kitchen, the chamber,

and the sewing department, and give them a great deal of laundry work to do; and, in addition, we give them suitable work for sale in the way of knitting, making paper boxes, or something of that kind, to keep them employed. So far as his observation extended, there was nothing that would better fit them for usefulness and for honorable positions in life, than to be well trained in domestic labor and the art of sewing.

Mr. Z. R. BROCKWAY, superintendent of the Detroit house of correction, said that statistics showed that over 80 per cent of the inmates of our prisons were laborers and servants. Was there nothing that would fit them for a higher grade in society, and give them a higher moral culture, than mere domestic labor?

Mr. AMES, of Massachusetts, said that a small percentage might, he thought, be fitted for teachers in our public schools, and some had in this vocation commended themselves to the confidence of the public; but this percentage was small in comparison with the whole number, and the great majority perhaps could not be fitted for such a responsible position. Others had entered upon various trades in shops and mills. There was a great demand in his part of the country for their labor in the mills, and good wages were paid, but the influences were not always good; therefore, they avoided placing their girls there, and, as far as possible, tried to get them good homes in families; not that they should always remain as servants in families, but it would be a stepping stone, an open door, as it were, to families of their own.

Mr. J. A. FOOTE, of Ohio, thought this question had been settled in the Ohio reform farm school. In that institution, while there was supervision of the members, there was a large amount of influence brought to bear upon the inmates, which made them feel that the institution was giving them a chance to become something in the world; so that, though the worst classes of boys were brought there, there was very little disposition to leave. On one occasion, he said, a Mr. Osborn, of St. Louis, came there to visit the institution, and after looking around, came to him and said: "How is this? I see your inmates here, apparently unrestrained; they go roaming all around where they please; do they not run away?" He was assured that they very seldom tried to escape, though Mr. Howe, the superintendent, frequently intrusted them with a horse and buggy to go to Lancaster, a distance of six miles, and return, and he believed the best way was to trust them. The boys had

been invited to Lancaster to take a game of base ball, and nobody went with them, yet they all returned at the right time. That was not all; they had beaten all the base ball clubs around there. He believed there was something in the system which would keep the boys as they could be not kept by bars and bolts.

Mr. J. H. TALCOTT, superintendent of the Providence reform school, said that in their institution they used bars and locks for the restraint of their inmates, yet one of them who had brought him to the depot when he started for Cincinnati, went promptly back to his bars and locks. They let them attend fourth of July celebrations and similar gatherings in a body, and they uniformly returned at the appointed time, though there was no officer present with them. He thought bars and bolts a necessity for their institution and many others, but there might be a plan found to overcome this necessity. During his whole connection with the Providence institution, extending over a period of fourteen or fifteen years, he had never known a single violation of the trust reposed in the inmates.

The girls were employed in domestic work in the institution, and there being so many less of them than of the boys, they had all they could do in the way of keeping the clothing, bedding and other arrangements of the house in proper order. They had a constant demand for these girls in families, and all that had gone out into good families had remained, or were filling homes of their own with honor; so that they felt that their labor had accomplished much good.

Letters were received from the directors of the city work-house from the young men's library association, from the young men's christian association, from the secretary of the Cincinnati house of refuge, from the superintendent of the Cincinnati union bethel, from the president of the Cincinnati industrial exposition of manufactures, products and arts, from the president of the children's home, from the trustees of the Longview lunatic asylum, inviting the members of the congress to visit their various institutions.

The above invitations were, on motion, accepted by the congress, with thanks to the institutions and bodies by which they had been sent.

The following communication was also received:

CITY OF CINCINNATI, COUNCIL CHAMBER,
October 12, 1870.

To the President of the National Convention on Prisons and Reformatory Institutions:

Sir — The sub-committee appointed by the general committee of arrangements, very respectfully tender the members of the convention a cordial invitation to visit the public institutions of the county and city, on Saturday, October 15th. Carriages will be in waiting at the hall door at 9 o'clock A. M.

Very respectfully,
PAUL REINLEIN,
A. E. JONES,
CHARLES THOMAS.

This invitation was also accepted, and the thanks of the congress voted to the citizens of Cincinnati, for the liberal provision thus made for the entertainment and gratification of the members.

The congress then adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

The convention re-assembled at 3 P. M., and resumed the discussion on the comparative merits of the family and congregate systems in juvenile reformatories.

Mr. W. R. LINCOLN, superintendent of the Baltimore house of refuge, thought that if they understood the two systems better, they would come nearer together. Some appeared to think that the children were under no restraint in reformatories conducted on the family system, and that they were allowed to come together as in their own families at home; but such was not the fact. It was true that, in the family system, boys were allowed together where their duties called them, without a special oversight; and so it was in institutions that were conducted on the congregate plan, where locks and bolts were in use. Said he: In the institution of which I have charge we are walled in, and have our locks and bolts; but at the same time our boys — at least a portion of them — run free and unrestrained, like any farmer's children. They go after our supplies; take our carriages and go for our managers; visit their friends, sometimes for a day or two, sometimes for two or three weeks. We have also to-day six boys attending our state normal

school, going there every morning and returning every evening, learning the profession of teaching. Five out of seven of our teachers were formerly pupils in our institution. I am inclined to believe that we have as many boys in our institution that can be safely trusted at large as can be found in any institution in the country, though conducted on the family system.

Now, the question comes up, which is the better way — to take these boys into an institution where we have locks and bolts to restrain them, or shall we restrain them by moral walls — by the *surveillance* of officers? I am free to say that, were I to-day allowed to choose my location and my officers, I would prefer the family system in a modified form; but if compelled to take our managers and our location, I would choose the congregate system, for we could do nothing with the former system in the city.

Mr. PIERCE, of Massachusetts, thought it was important to know how long children should be kept in these reformatories. Some had an idea that they should be kept there a few weeks or months; others that they should be kept there for years. The majority of girls who had been in their institution had remained, on an average, about two years. He was sorry to say that many of them, when they went out, partook of the proud nature of our American women, and did not wish to take hold of household work; but, said he, we are obliged to meet this difficulty, and endeavor to set before them the dignity of labor; and I believe the highest position woman can occupy is that of wife and mother.

Rev. AUGUSTUS WOODBURY, of Rhode Island, read a paper on Prison Discipline in Denmark, communicated by FR. BRUÜN, inspector of prisons in that country.

For Mr. BRUUN's paper, see page 117.

Dr. WINES, of New York, read a paper on the Proper Purpose of Prison Discipline, by Sir JOHN BOWRING, of England.

For Sir JOHN's paper, see page 75.

Dr. HATCH, superintendent of the Connecticut state reform school, said: I would like to have Dr. WINES answer the question whether it is true that the English believe the American people think too much of making the labor of prisoners pecuniarily profitable?

Dr. WINES: That, I think, is the impression on the minds of the English people generally, though not of all.

Dr. HATCH: Is it true that we do try to make too much money out of our prisoners?

Dr. WINES: I think there is too much regard had to money-making, and that a main object seems to be to make prisons popular in this way. I am sure that there is not a tithe of the attention given to reformation which that object ought to receive.

Dr. HATCH: I would ask Dr. WINES if the highest financial results are incompatible with the highest moral results?

Dr. WINES: I think the *highest* financial results are incompatible with the *highest* moral results. I believe that prisons can be made self-sustaining, and at the same time reformatory; and all the more reformatory *because* they are self-sustaining; but that they may be made profitable to the state as money-making agencies, I do not believe; and if they could be, it is my opinion that it would not be wise to put them to such a use.

Gen. PILSBURY, of New York: I believe, Mr. President, that the highest pecuniary results *are* compatible with the highest objects we have in view in taking care of our convicts. I think that there is a *morality* in making the prisoner feel that he must earn enough to pay for his own bread, and to pay me for taking care of him.

Dr. WOLFF, of Clinton prison, New York, said that from his experience, he believed that the highest moral results and the greatest amount of money from prisons were incompatible. In the prison with which he was connected, eighty-five per cent of all those from the age of seventeen to twenty-five had been either in the refuge or the Albany penitentiary, the great majority of them in the latter, under the very benign influence of Mr. Pilsbury. They had five hundred men to-day in Clinton prison, generally men who had led hard lives, and out of the five hundred only two hundred were able to perform labor, and the two hundred were compelled to work to keep the five hundred, to clothe them, feed them, etc.; therefore it was perfectly impossible to make that prison pay.

Gen. PILSBURY: It may be true, as the gentleman said, that of those between the ages he mentioned, a large proportion have been in the Albany penitentiary. If so, they were those who have been sent there for very short periods; for thirty, sixty or ninety days, probably; not long enough, if there was any good moral influence there, to bring it to bear upon them. The labor derived from prisoners aids greatly in bringing other influences to bear that operate for their good. Officers of other prisons visit

our prison and ask: "Is this a paying institution?" "Yes." "Do your men earn enough to make the improvements?" "Yes." "Well, we do not think the earning of money is of much account; we think it better to look to their moral welfare." But when I visit the institutions managed by those gentlemen, I am unable to discover that any better moral results are obtained by allowing their prisoners to work part of their time, and to be idle the other part. I have yet to learn that the prison in the northern part of our state, represented by the gentleman who preceded me, has obtained any moral results that would not have been attainable if the prisoners had been able to defray the entire expenses of the institution.

Dr. Wolff thought that General Pilsbury had some advantages over other prisons in regard to money-making, because he received one or two hundred prisoners per annum, for each of whom he received one dollar and twenty-five cents per week for board, and besides that, he kept all the able-bodied men in his prison and sent him (Dr. Wolff) all the lame and halt.

General Pilsbury said that he received a dollar and quarter for those sentenced in the surrounding counties for short terms, less than six months, and also for the United States prisoners sent from Washington. Of the latter, there were less than one hundred. It was not true that he had the selection of his men, as the gentleman had intimated, and that the less able-bodied were sent up to him. Some years since, the legislature passed laws allowing the judges of a large portion of the state to send prisoners — who had committed state prison offences and were sentenced for five years — to Albany, without any charge to the state; he had received and kept them, and expected to continue to do so.

Question by a member: Do the prisoners in the Albany penitentiary earn a sufficient amount to cover the expenses of the institution?

General Pilsbury: They more than pay the expenses, including the amount paid on account of prisoners received from outside the limits of Albany county. But Albany penitentiary should not be compared with state prisons that receive no prisoners for less than six months, and very few on sentences as short as that. Three-fourths of those received at his institution were sentenced for less than six months; if he had no pay for these, it would be a draw-

back, because their labor could not be made remunerative in so short a period.

Mr. PIERCE, of Massachusetts, had visited the western penitentiary in Pennsylvania last winter, where the congregate system was now in operation. The separate system had been given up in western Pennsylvania, and probably would not last long in eastern Pennsylvania, because they could not long maintain any system in this country that did not pay. When there was a proposition to take a contract, the first question asked was, "What is the discipline of this prison?" the second, "What is the average length of the term of imprisonment?" Certainly, good discipline in a prison was one of the best means of inculcating good moral principles. The great difficulty was experienced in the case of those sentenced for a period of thirty or sixty days, who were commonly vagrants and street-walkers. There must be a considerable length of sentence to attain the best results. Attention must be given to education, morality and religious instruction, not only on Sunday, but on week days. This would probably take an hour a day for three days of the week; but he held that the prisoner that had had that hour for the three days would work more and better in the hours of labor than without it. So it seemed to him that the best pecuniary results were consistent with the best moral results.

Governor BAKER, of Indiana, did not believe in the doctrine that the best moral results were compatible with the highest pecuniary results; he believed, however, that satisfactory pecuniary results were compatible with the best moral results. He had no idea that juvenile reformatories would ever be made self-sustaining.

Rev. A. G. BYERS, secretary of the Ohio board of public charities, thought there was an infelicity in the use of the term *highest*. He presumed that the gentlemen all meant that *satisfactory* pecuniary results were compatible with the highest moral interest of the prisoners. From his observation, he thought these institutions could be made to more than defray the actual expenses if properly managed, and if the profits were devoted to the improvement of the institutions, the moral influences would thereby be increased, and the character we desire would be formed in the men who were performing the labor. There was no loss in taking half an hour a day for moral instruction; on the contrary, the men would do just as much labor in the day if a half hour or over an entire

hour were taken for moral and intellectual training, as if it were not. Again, if the men were aware that a portion of the profits of their labor would accrue to them, it would have the effect to make them more industrious.

Dr. WINES: The question which started this discussion was put to me thus: "Do you think that the highest pecuniary results are compatible with the highest moral results of prison management?" I answered in the negative, and I still hold to that view. I think my friend who had the floor last hit the nail on the head, when he said that the difficulty arises out of the use of the word "*highest.*" I take the negative of this question for this among other reasons: we have not begun to approach the value and the potency, in the moral reformation of prisoners, of a well-devised and skillfully applied system of rewards for industry and general good conduct. We have made a good beginning in this direction by the enactment of what are known as commutation laws, whereby the prisoner, by industry and general good conduct during his sentence, may abbreviate the term of his imprisonment. This is the most important advance in prison discipline made within the last quarter of a century, for there is nothing so sweet to the imprisoned as liberty.

But the principle of encouragement by rewards needs a broader, wiser, steadier application than it has hitherto received. Not less, perhaps indeed more, potent will be the introduction into our penal legislation and prison discipline of the principle of allowing prisoners to share in the earnings which they produce. What is the testimony of experience on this point? What do men say who have tested the principle? Colonel Montesinos, in his remarkable experiment in prison discipline at Valencia, in Spain, testifies that the labor which he could not get out of the prisoners by the utmost severity of punishment and the utmost persistency in applying it, he readily obtained by giving them a moderate personal interest in the proceeds of their labor. He introduced into his prison forty-three distinct trades, and gave the prisoners a choice as to which of them they would learn. He allowed them, if my memory is not at fault, from a fourth to a half of what they earned, according to their industry and moral deportment. Yet in giving them that large proportion, he did not call for a dollar out of the treasury of the state. He defrayed the entire current expenses of the institution, made all needed improvements in the buildings, erected workshops, etc., etc., out of the earnings

left after paying the prisoners their share. And what is more to the point, he succeeded in reforming his men; for during the last three years of his administration, not a man came back who had been subjected to its discipline.

And what has been the experience of Count Sollohub, the able director of the great industrial prison at Moscow, Russia? He also has introduced a variety of trades into his prison, and gives the prisoners the option of learning whichever they will. His institution is not a success financially, but it is morally, in a pre-eminent degree. He says that it is difficult to find a man who has been through his prison that has returned to crime; but that all through the country, in every village, are found those who are earning an honest living through the practice of the trades they had learned in prison.

Now the point I make is this: the abbreviation of sentences and the participation of prisoners in their earnings, to the degree necessary to make the reformatory element most effective, together with other encouragements to be held out in a complete and adequate system of rewards, will of necessity so diminish the income from prison labor available for prison uses, that the pecuniary profits to the *institution* cannot be as great as if reformatory results were ignored; and consequently the *highest* pecuniary results are incompatible with the *highest* moral results; which was the point to be proved.

But I make another point. To whatever is made, in any given case, the primary aim of prison administration, the thought and energy of the administrators will be mainly given; and whatever end is made thus prominent in the plans and efforts of the managers will natually be attained in largest measure. Now what, as a matter of fact, *is* the supreme aim of prison management in our country? Is it not financial success, if not to the exclusion of, at least in preference to, all others, including reformatory aims? There cannot be a doubt of it. Money being at present highest in its practical claims, to that our strength is given, in that our chief success is achieved. If ever the happy day arrives, when reformation shall become chief in our thought and effort, our greatest harvest will be gathered on that field; and our financial success, though it may and, as I believe, will be sufficient to meet all expenses, it will not be, as is now the case in some of our prisons, such as to leave a surplus of earnings on the balance sheet.

Whence it follows that the *highest* pecuniary results are not compatible with the *highest* reformatory results; which was the conclusion reached by my former argument.

It is no answer to this to say that those prisons which now realize the largest incomes from the labor of their inmates are equally successful with the others in their reformatory results. I readily grant this; but the concession amounts to nothing. Why? Because the prisons which fail to realize a profit from the labor of their inmates are just as eager to make money, and pursue that object just as supremely, as those which do; but they fail in their object, either from lack of financial ability or because too many of those who have the handling of the money are more anxious to enrich themselves than they are to economize for the state. To reformation, if they think of it all, they give but an occasional and passing thought; while all their energies are bent to public gain or private interest through the labor of their inmates as the instrument. What reformatory fruits can be looked for in prisons thus conducted, however far they may fall short of self-support! But when we see two prisons or, better still, a score of them, managed with equal ability, sincerity and zeal — the one-half in the interest of finance and the other in that of reformation — and we can gather up and compare the results of years of work in these two directions, we shall be able to form a judgment which, being founded on experience, will be worth something, as regards the question before us. Till then, experience, in this country and on this point, is a nonentity; and any inferences professing to be drawn from it are as airy and baseless as itself.

There is still another point which I desire to make, and which appears to me not unimportant. The great end to be kept in view in the infliction of public punishment is the moral amendment of the criminal, so that he may return to society a safe and useful citizen — his proclivity to crime eradicated, and the love of industry and virtue implanted in its place. It is from this point of view that his labor, during his imprisonment, must be mainly considered. Its supreme aim should be to educate him for liberty. It is this view that must control the choice of occupation for him, and pecuniary considerations — income to the establishment — should prevail only so far as the question relates to those occupations which are equally promotive of that end. The future of the prisoner — and in that is also included the highest interest of the

community — is the decisive consideration. But this draws after it the consequence that, in selecting the occupation of the prisoner, some consideration must be paid to his peculiar aptitudes and abilities, and it further involves the introduction of a greater number of industries than is now common, even in our largest prisons. I have already stated that Montesinos introduced forty-three trades into his prison of 1,000 inmates at Valencia. In the little kingdom of Denmark to-day — about half as large as the state of New York — the following industries are found to exist, viz.: weaving of cotton and linen, lace making, needle making, weaving of stockings, manufacture of crockery ware, manufacture of gloves, cork and bung cutting, brush making, cigar making, planing of wooden threads for matches and venetian blinds, manufacture of wooden blinds, weaving of cocoa fibres for floor carpets and mats, the making of swimming girdles, and a variety of others in addition. Industries should be multiplied, not so much with reference to the immediate profit of the institution as to the ultimate profit of the state through the reformation of the criminal and his consequent ceasing to prey upon its citizens. The great point to be aimed at is, to give to the prisoner the power and the will to earn an honest living. Now, when this is the end, and this the method of pursuing it, it is hardly to be expected that there will be as much *merchantable* production as where that is made the primary aim.

Still I am willing to modify, somewhat, what I have just said. I firmly believe that, under a system of prison discipline in which reformation is made the supreme aim — and to that I regard it as indispensable that a considerable proportion of their earnings should be allotted to the prisoners — even though the labor is regarded chiefly as an instrument of reform and the industries are adjusted upon that principle, more money will be realized than upon the present plan. Therefore, on one condition, I am ready to grant that the highest financial results *are* compatible with the highest moral results; that is, if you count *all* the money earned by the inmates of a reformatory prison as entering into that result. I repeat, that I believe that prisoners who are really undergoing the process of being reformed will earn more money than those who are not. But in my ideal prison, by no means a meagre share of those earnings should go to the prisoners themselves; I have supposed, however, that the money so appropriated would not be included in the financial result. If you say "Yes, it

will," then I am with you, heart and soul; for I have no doubt that prisoners, filled with hope and cheered by the prospect of an honorable future, will work better and earn more than those who are driven to labor by fear, and whose minds are, as a habit, either apathetic through despondency, or restive under the sense of restraint, or in a state of chronic irritation from the feeling, whether well or ill-founded, that they are the victims of a vengeful and vindictive treatment on the part of society.

Wm. B. Curtis, M.D., warden of the state prison of West Virginia, said that he could speak from experience of the utility of allowing convicts a share in their earnings. One of the speakers (Rev. A. G. Byers) who had preceded him, had remarked that, if prisoners knew that they were to participate in their earnings, such knowledge would have a strong tendency to make them industrious. He could confirm that view from personal knowledge. He took charge of the West Virginia state penitentiary some six or eight months ago. To encourage the men to be industrious and, as a consequence (for he believed they went together), well-behaved, he informed them that if they would do three-fourths of the ordinary day's work of a free laborer engaged in the same occupation, he would allow them the fruit of all they did beyond that. There was no further difficulty. His prisoners averaged each a full day's work, three-fourths of the avails of which went to the state, and the other fourth to themselves; and the effect was every way most excellent.

Congress adjourned till 7½ P. M.

EVENING SESSION.

The congress re-assembled at 7½ P. M., and was opened with singing by a quartette of ladies and gentlemen, with organ accompaniment. Prayer was offered by Rev. Mr. Jeffreys.

Rev. A. M. Schoonmaker, chaplain of Sing Sing prison, read a paper communicated by the Hon. John W. Edmonds, of New York, on a Reformatory Prison Discipline.

For Judge Edmonds' paper, see page 165.

A paper was then read on the Ideal of a true Prison System for a State, by Z. R. Brockway, superintendent of the Detroit house of correction.

For Mr. Brockway's paper, see page 38.

Rev. A. Woodbury, of Rhode Island, thought that that point in

Mr. Brockway's essay referring to a board of guardians deserved especial attention and approval. In the state of Rhode Island they had such a board, which had the entire government of the state prison, and there was also a board of state charities, which had control of the state farm; also a board of trustees of the reform school, which had control of that institution. All these boards were independent of the political government of the state.

It was on the representations of the state prison board that the governor pardoned prisoners, the senate consenting. Thus the entire internal administration of the prison was in the hands of these guardians, and the plan had been found to work admirably. The board of state charities had the management of cases of minor offences, such as drunkenness, vagrancy, disorderly conduct, etc.

They had the power of shortening sentences when they thought best. The prison board had tried, with success, the idea suggested in the paper, in regard to education. After the labors of the day, they had an evening school, to which all the prisoners who desired were admitted. They were taught by the officers an hour or two, five days of the week. The ideal prison system, he thought, had been almost realized in Rhode Island.

Hon. B. C. Hobbs, of Indiana, considered the topics discussed in the paper of great importance. It seemed to him that the great objects to be aimed at might be reduced mainly to three. One was the element of productive labor; another, educational training; and a third, the influence of vital, practical christianity. Neither of these objects could be dispensed with, if we would succeed in reaching the point at which we should aim in prison discipline. He admired the thoroughness with which the whole subject had been treated in the paper read. He thought that the natural sciences, such as botany, mineralogy, philosophy, physiology, etc., might be profitably introduced into our prisons, and he believed they would have an influence in lifting up the minds of the prisoners. The nobility, dignity and necessity of labor should be fixed in the soul, so that prisoners would go out with a true idea of man hood. Man, wherever found, in prison or elsewhere, was a social creature, and had a heart, and honor too, and you could reach him. It was by accident, sometimes, that men went to prison, and innocent men sometimes got there through false accusation, and the worst men never got there. The speaker gave an account of a recent visit to the southern Indiana prison and the excellent relig-

ious influences prevailing in that institution, where a sabbath school and a prayer meeting were regularly kept up by the inmates, and where he found those who regarded their having been sent there as a work of Providence, in order to turn them from the error of their way. Where the influence of christianity could be brought in connection with labor and the study of the sciences, and the mind and heart were brought above the influence of lower things, we had an element implanted that would tend to prepare them for good citizenship and for after success.

Hon. A. G. W. Carter, of Ohio, said he had been prosecuting attorney of Hamilton county for four years, and presiding judge of the court of common pleas for a period of ten years, during which time he must have sentenced nearly a thousand criminals to the penitentiary of this state, and out of all that number who had gone from the penitentiary by the expiration of their terms, or by executive clemency, he knew of but one man who had reformed, and, said he, of that one I was informed by a benevolent lady in the city of Columbus — Mrs. Janney — I will give her name, for she has been a noble laborer in a good cause. This prisoner, who was pardoned out for good conduct and character, was now a missionary in the by-ways of the city of Philadelphia. He thought there was no practical reformation in the system of punishment practised in this whole country. He was firmly convinced, that the only true mode of punishment for criminals in a republican government like ours, was banishment or transportation. When men went off into a new country, they attained that self-respect which was necessary to reformation. If the United States had Vancouver's Island, or some other place to which to banish its criminals, their reformation would be much more effectually accomplished.

Hon. Henry Cordier, superintendent of the Alleghany county work-house, Pennsylvania, said he thought we could now easily settle this whole matter. Mr. Brockway, in his able paper, proved that seventy per cent of the criminals confined in the prisons of the United States were either foreigners or the children of foreigners. The gentleman who had just spoken thought the best way to get rid of the criminals was to export them. Now, Mr. President, I think all we need is, to have the congress of the United States pass a law prohibiting all immigration of foreigners, and then pass another law requiring the different states to export all foreigners and descendants of foreigners within their limits to Vancouver's

Island, or somewhere else. In that way, sir, you would get rid of nearly all the criminals, but you would, at the same time, I think, to a great extent, have depopulated the country.

After the announcement of the programme for the next day, the congress adjourned until 9 A. M.

SECOND DAY.

Thursday, October 13, 1870.

MORNING SESSION.

The congress re-assembled at 9 A. M., Governor HAYES in the chair.

Prayer was offered by Rev. C. C. FOOTE, of Michigan.

Capt. M. L. ELDRIDGE, of Massachusetts, read a paper prepared by the Hon. ROBERT PITMAN, of Massachusetts, on Terms of Sentences — whether greater Equality for the same or similar Offences is desirable, and if so, how to be secured.

For Judge PITMAN's paper, see page 95.

Dr. PEIRCE read a paper, by M. D. HILL, Esq., of England, on the Objections incident to Sentences for a fixed Period.

For Mr. HILL's paper, see page 105.

Dr. A. S. WOLFF, of New York, partly extemporized and partly read a paper on Sanitary Science in its Application to Prisons.*

Mr. C. REMELIN, of Ohio, begged to refer, for a moment, to the paper read by Mr. Brockway on the preceding evening. He thought the plan of appointing prison guardians for the state a good one, and indeed absolutely necessary. Under the present system, political power had too much to do in the appointment of prison officers, but under the arrangement of a board of guardians, this evil, he thought, would be effectually done away with.

Mr. BURNHAM WARDWELL, lately warden of the state prison of Virginia, now superintendent of the state farm, Rhode Island, spoke of the injustice of the sentences which were often given by the courts. In the Virginia penitentiary, while he was at its head, there was a man who had been sentenced sixteen years for stealing a horse valued at forty-five dollars; while another, who knowingly bought a stolen horse valued at two hundred dollars, was sentenced

* The Committee on Publication regret to announce that, owing to the sickness of several members of his family since the adjournment of the congress — in the case of one of whom the disease had a fatal termination — Dr. WOLFF has not been able to put his paper into a form in which he feels willing to submit it to the public.

six years. In reference to pardons, he said that it often happened that the most unworthy obtained them. But it was quite different in the institution over which he now presided. It was under the control of a board of directors who dared to do right, and who released only those whom they knew to be deserving and worthy. None knew so well who deserved a continuation of punishment, and who were worthy of pardon, as a competent and upright board of directors or guardians; and he was in favor of the adoption of the plan recommended by Mr. Brockway.

Mr. PIERCE, of Massachusetts, referring to the paper of Judge Pitman, said that in his state there was great inequality in the sentences. Some time since a man was sentenced to their state prison a year and a half for killing his wife: if he had stolen $1,000 in five-twenty bonds, he would have got three years.

Gov. HAINES, of New Jersey, said: The difficulty in solving this question arises from the fact that no general rule for terms of sentence can be established. Intent is the gist of crime. The degree of guilt and the extent of punishment must depend upon the intention of the accused. The record will not always, nor generally, show what sentence should be pronounced. To determine the justice of it, we must look at the facts of each case, and the motive which induced the crime. For example, I knew of a man who was convicted of murder, and sent to the state prison for five years; and of another who was convicted of an assault with intent to kill, who was sentenced to the same prison for ten years. Now, what was the difference? The record does not tell. It was, that the one had no intent to kill, but he committed an unlawful act against the peace of the state, the probable consequence of which was bloodshed. Death ensued, and that the law defines to be murder in the second degree. The other committed a violent assault with the design to kill, and, although death did not ensue, he was guilty of the greater crime, and hence the severer punishment. I know of another instance, in which a man was sentenced to the state prison for burglary for five years; and of another, for the same term and by the same court, for manslaughter. In the one case the convict, with premeditation and felonious design, broke and entered a dwelling-house by night. In the other, the man, under great provocation in the heat of blood, but without any intent to kill, gave the fatal blow. The difference is manifestly in the intent.

So much is to be left to the discretion of the court that the remedy will be found in having, not only legal lore, but good common sense, sound judgment and a philanthropic heart upon the bench. In New Jersey the presiding judge has, as associates, the judges of the court of common pleas, who have an equal voice with him. But he must act upon his own judgment, and the public hold him responsible for his action.

Mr. T. J. BIGHAM, of Pennsylvania, said the only examples of indeterminate sentences they had, or were likely to have, in Pennsylvania, were of those committed to the house of refuge. Their criminal code was revised in 1861. Formerly they had a maximum and minimum; under the revised code they had a maximum, not a minimum in any case. Within a month, in Pittsburgh, there was a man sentenced to the penitentiary, with the general approbation of the community, for 24 years, for simply attempting to rob a clerk of a manufacturing establishment. About mid-day the clerk was passing from the bank with twelve or fifteen thousand dollars to pay the hands. He had been watched, and was knocked down on one of the public streets. He believed the robber did not succeed in getting the pouch containing the money, but he was followed and arrested within half an hour. There were two or three indictments against him for assault and battery, and the judge, with the sanction of the community, sentenced him for 24 years, on the three indictments. If you were to take the record on the face of it, it would seem that for simple assault and battery, the man had been sentenced for 24 years, and it would present a very awkward look. He thought that whether any practical limit could be fixed, other than the discretion of the judge trying the case, was very questionable.

Hon. E. G. HARLOW, of Maine, thought that political influence in judicial appointments was of evil tendency, and should, if possible, be discarded.

Gov. BAKER, of Indiana, thought that when we should reach the true idea of prisons, we would have indeterminate sentences, but that that reform was in the distant future, for, before it could be effected, we must educate the public up to it. He thought a jury fresh from the people better qualified to dispense justice, as far as punishment was concerned, than a man upon the bench. They had gone so far in Indiana as to permit the jury to say whether a man should have capital punishment or a sentence to the penitentiary. He thought well of that plan. If the gover-

nor was requested to pardon a man, he thought there ought to be a convocation of the board of directors and the executive, who should examine and see what the man's antecedents were. He would have a brief record made at the time of the trial, so that, in an application for pardon, something might be known in regard to the evidence. He favored a system of paroles, putting the man on his good behavior, and if he did well, then pardon him. There was a class of individuals, "bummers," if he might use the term, who, if they were found guilty of assault and battery, were fined from one hundred to three or four hundred dollars, and confined from two to six months in the county jail. Almost all the county officers asked the governor to remit the fine, but, instead of remitting it merely because he was asked to do so, each case ought to be governed by the prisoner's good behavior.

The Rev. Mr. WOODBURY, of Rhode Island, said that as regards indeterminate sentences, he supposed they felt as if there was danger in putting sentences into the hands of those inspectors, or guardians of state charities, or whatever they were called; but he thought the subject worthy of careful thought. The whole matter had been under consideration in his state, and the mode they had adopted was substantially the system recommended by Mr. Brockway. It should be understood that it was not merely theoretical with them, but had been tried and found practicable. The state board of charities had the power of granting paroles to the prisoners confined at the state farm, or at the house of correction. For instance, if a man was sentenced to the state farm or work-house for a period of (say) three years, the board of state charities kept the run of him, and if he was a person in their judgment suitable to be released, he was released, with the understanding that if he did not honor his parole, he would be returned.

Question by a member: I understand that this is authorizing indeterminate sentences; that is, that the subsequent conduct of the man shall be the criterion by which his term of sentence is determined. I doubt whether Rhode Island has adopted this plan.

Mr. WOODBURY: The character of the crime and the subsequent conduct are taken into consideration. The criminal is first sentenced for a determinate time; but if, during that period, he shows that he has reformed, or that the sentence is more than commensurate with the crime, the board take such measures as they think best.

Question by a member: I would ask whether the board can continue the term beyond the limit, if they should think it necessary?

Mr. WOODBURY: I think not; the objection which seems to be strongest in the mind of the gentleman on my left is, that the system described interferes with personal liberty in some way. There is no state in which personal liberty is guarded with more jealousy than in Rhode Island, where we have found the system to be in perfect harmony with our institutions.

Rev. D. A. SHEPARD, chaplain of the Auburn state prison, New York, said he wished to allude to the punishment which Dr. Wolff had so emphatically condemned — the dark cell. As every other kind of punishment had been taken away from them, they had to punish by putting men in the dark cell; but their experience was the same as the doctor's. It did not subdue; it enervated the moral, mental and physical powers; and something else should be substituted, for punishment must be had. He said that at Auburn the prisoners had light after the hours of labor. They had a large library, taking in a wide range of reading. When the evenings came so early that the men had to be shut up between five and six o'clock, they needed two hours at least of light for reading, otherwise they would have to remain in their cells wholly unoccupied.

Rev. A. M. SCHOONMAKER, chaplain of Sing Sing prison, New York, thought that, among all the points that had been touched upon, there were none more important than those presented by Dr. Wolff. He said that his experience led him to concur in opinion with his colleague. He would like to mention a point which his colleague did not touch upon, and that was the importance of increasing the facilities for letter communication. In his last year's report to the inspectors he urged, instead of permitting convicts to write once in three months, to allow them to write once in two months, or oftener, if their conduct was such as to merit the privilege. He was satisfied that there was a great influence for good exerted upon prisoners by letters from their parents, wives, sisters, brothers and children — beautiful letters often. He knew that their effect was excellent. He favored female co-laborers in reformatory work. They exerted a happy and beneficial influence on the prisoners who, as a consequence, often left the prison better men.

Mr. R. A. AVERY, superintendent of the western house of refuge, Pennsylvania, believed in reform by moral means; they did not, in his own institution, use the dark cells; the managers, in laying the foundation of the work-house, laid also the foundation of a dungeon, but they had concluded that they did not need it. He read a letter written to the superintendent by an inmate, who had a ball and chain for running away, and in it was a request to have the chain taken off. He said, "If the board will not take it off, do take it off on the day that my mother visits me." That, said the speaker, touched my heart. He went and visited the man, talked with him, and told him he did not want to disgrace him, and then said, "Now, sir, I am going to see what we can do." The man began to make promises, but he told him he did not want promises; it should be "without money and without price;" he would throw him upon upon his honor. The ball and chain were taken off in five different cases, having been put on because the inmates had run away. They had used moral reform principles with these persons, and there was not one of them but behaved well, and served out his term.

Hon. G. W. WELKER, of North Carolina, said they were now only building their first prison. He regretted that Dr. Wolff did not give them more of his paper, as he thought that some of the points passed over were of much importance. Their institution was being built on elevated ground near Raleigh, and the drainage was natural. They intended to build a good prison, and he thought that no gentlemen in Ohio would object when he told them that their architect was from Cleveland, and one of the builders from Cincinnati. They intended to admit sunlight freely, and to have artificial light until 9 o'clock, so that every man could read at his cell door. The convicts were at present accommodated in temporary buildings. They had had very little trouble with them so far; they were very tractable, about two-thirds of them being colored. They had the dark cell, but he did not like it, and hoped they would find something better by and by. They intended to have a good and comfortable chapel for religious worship.

Mr. WARDWELL, of Rhode Island, believed in the efficiency of religion as a means of reformation in our prisons. They had in his prison a sabbath school and prayer meetings.

Rev. H. QUINBY, chaplain of the New Hampshire state prison, said that the question of light was one in which they were very

much interested, and in order to bring the point before the congress, he would mention the fact that their cells were about three and a half feet wide, with perhaps ten feet between the cell doors and the outer wall, and there were 120 in all. Six or eight years ago the question came up of giving the prisoners more light, and the governor appointed commissioners to examine and report on the propriety of placing a gas-burner near each door. He believed that they reported that so many gas-burners would consume the oxygen to an extent that would be injurious to the prisoners, and accordingly the governor ordered candles to be used. They were used for some years, but now candles were banished from the cells, and the grating, which consists of iron bars one and a half inches wide, cast a shade on the book, and he found that some of the young men were growing blind, and others had given up reading altogether. He had suggested to the authorities to make a change. He asked whether having so many gas-burners over the cell doors would consume so much oxygen as to be injurious? With regard to rations, he inquired whether it was the better way to have the prisoners receive their meals in the cells, or at a common table. He said that some ate more heartily than others, and those in charge, not wishing to have any food wasted, had reduced the rations, so that some of the prisoners complain of being hungry, and of lying awake at night because of it. He thought this an important point.

Dr. WOLFF, in reply to the gentleman's question, said: I would say, if the ventilation of the prison is good, there is no danger of consuming the oxygen of the atmosphere by placing a gas-burner in each cell. As to rations, give the prisoner as much as he can eat; and if one wants more bread or other kind of food, do not restrict him. There is an idea prevailing that prisoners have no rights. I say that we have no right to imprison a man and let him say, "I am hungry;" it is against the law of God and the spirit of the nineteenth century.

Rev. W. W. CURRY, of Indiana: Please give us your experience on feeding the prisoners in their cells.

Dr. WOLFF: Our prisoners work on the congregate system, working together and eating together. I think our plan is humanizing.

Mr. C. W. MENDENHALL, of Ohio, said that gas-lights were placed in every cell in the Ohio state prison fourteen years ago, without any bad effect upon the health of the prisoners, and with a marked good effect upon their conduct.

Rev. R. C. CRAWFORD, chaplain of the state prison of Michigan, said that regard should be had to the position of the prison. Their prison stood east and west, and, as a consequence, the prisoners had sunlight only on one side, and the effect of this was very marked. If one went to the south side, he would find that the men there had a taste for fitting up their cells, and trying to make them look neat and tidy; on the north side the case was different. If the prison stood north and south, it would equalize the sunlight on both sides. The prisoners were furnished from the first of October to the first of April with candle-light to read by. They had a library, and the men read a great deal. They ate at a common table, and their food was good and abundant. They had abolished tin, and substituted good crockery. It made a great improvement, not only in the appearance of things, but in the feelings of the men. It tended to develop and strengthen their self-respect.

Dr. WINES, of New York, said that facts had been asked for. He would state that in the English prisons every cell was supplied with a gas-burner, and no inconvenience was felt from it as respects the undue consumption of oxygen.

Gen. NELSON VIALL, warden of the state prison of Rhode Island, said that two years ago they introduced gas, and they had experienced no difficulty from the consumption of the oxygen, or from prisoners interfering with the gas, though they might do it easily, and the officers found the conduct of the men improved. The men were allowed to use it until half-past eight o'clock. In the evening they had schools for the young men who did not know how to read and write.

Question by a member: Have you a school-master?

Gen. VIALL: No; we select an officer, who is paid for his services by the authorities. We have never had an instance in our school of the rules being violated. Steps are being taken to increase the school facilities of the prison. Speaking of the dark-cell punishment, he said that confinement for days in a dark cell was a thing not known in his prison; twenty-four hours were a long time. They approached the prisoner as soon as possible to reason with him, and he rarely remained a full day. He yielded, returned to his labor, and took hold well.

Ques. What is the *average* length of time that convicts remain in the dark cell?

Gen. VIALL: It does not exceed four hours.

Ques. Do you make use of manacles?

Gen. VIALL: We had one case in which we did, where a refractory prisoner struck an officer down.

Mr. R. S. HEISKIN, a director of the Southern Indiana state prison, said that their warden, colonel Schuler, was the right man in the right place. He made greater use of moral than coercive agencies. He gave the prisoners certain privileges; for instance, the privilege of writing to their families and friends as often as they pleased, if their conduct merited it. Only a few weeks ago, a convict was sent out to the stable with a bed-tick to fill it with straw; in going out, he got hold of a suit of citizen clothes, put them on, and escaped. In about ten days he came back of his own accord, and told colonel S. that in half an hour after leaving he would have given the world to be back in the prison. He said he felt guilty in having betrayed the colonel's confidence. Another instance: they had a fire in the roof of one of the wings, and colonel Schuler turned out a hundred men, who went outside of the wall, on a dark night, and, sir, not a single man was missing, and all could have escaped if they had felt disposed to do so. He said they had no dark cell and no cat; they occasionally put a ball and chain on a prisoner, but it was only for a short time.

Colonel R. BURR, warden of the state prison of Ohio, said that in the Ohio penitentiary they had 1110 cells, and a gas-burner in every cell. The burners were lighted when the men went into their cells, and they burned until eight o'clock, when a bell struck and each man turned off his gas and went to bed. They had a nucleus for a library for some years, but three years ago the legislature appropriated $1,000 for the purchase of books, and last winter they appropriated $1,000 more, and all had been expended for that purpose, giving us some two or three thousand volumes. The use of this library and the gas-lights were made privileges or rewards for good conduct, and if a prisoner violated a rule of the prison, he lost the use of them for a time.

They had a common dining room, in which the men were all seated at table. They had a superintendent of the kitchen and dining room, whose business it was to direct the placing of the prisoners at the tables, and to see that the food was not only prepared as it should be, but properly distributed; and his instructions were to put on the table always as much food as the men would consume. The large, strong men, who performed heavy labor,

of course required more than small men at lighter work; and the men were arranged at the tables accordingly.

Convention adjourned until 3 P. M.

AFTERNOON SESSION.

The congress re-assembled at 3 o'clock.

Dr. WINES read a paper on the Capitalists of Crime, by EDWIN HILL, Esq., of England.

For Mr. HILL's paper, see page 110.

Rev. A. G. BYERS, secretary of the Ohio board of state charities, read a paper on District Prisons under State Control for Persons convicted of minor Offences.

For Mr. BYERS's paper, see page 219.

Dr. WOLFF asked Mr. BYERS what kind of labor he would advocate for those prisoners?

Mr. BYERS: Farm work and trades.

Dr. WOLFF: Would you have them learn part of a trade, as in the contract system, or a whole trade?

Mr. BYERS: I would have each prisoner learn a complete trade.

Dr. WOLFF: How about the contractors?

Mr. BYERS: I would not have a contractor within gun-shot of such a reformatory.

Hon. B. C. HOBBS, of Indiana, said that in a reformatory prison, in order to discipline the will, the judgment and the conscience must be brought into harmony with each other. A boy was perverse, and people said, "his will must be broken;" so they crushed him down, and made a very slave of him; and after his will was broken in this way, he became sullen, abject, debased. For when you *crushed* his will, you destroyed his manhood and his conscience; he then obeyed the law for wrath's sake, but said within himself, "When I have paid my debt to the law, I will be free and have my revenge upon those who have been over me." His heart was thirsting for that time. Instead of breaking down and crushing his will and causing his entire manhood to die out within him, you should train him, and direct every thing in harmony with his better judgment — his judgment enlightened by your instructions — so that it would become a pleasure to him, and be his highest ambition, to do right for right's sake; and thus you would get at his conscience. Then he would stand up to his work, day by day, and would say, "I was sent here justly, and I am willing to pay the proper penalty for my crime." When you thus brought

his will, judgment and conscience into harmony, you would elevate the man.

Dr. E. W. HATCH, of Connecticut, said that this was a subject which they might well discuss earnestly, for it concerned every one that had any thing to do, either with juvenile crime or crimes of a larger growth. The gentleman who had read the very able paper on houses of discipline had said that juveniles should not go forth until they were completely masters of a trade, and able to compete with outsiders in it. He thought that when they put them at a trade, they should teach them the whole of it, and not, as was the case in some institutions, just to peg on the bottom of a boot, or to make the wheel of a wagon, or some single part of a harness. He believed that every body should learn to work; it did not make so much difference what they worked at, only that they worked. Somebody asked once what was the original sin, and the reply was "laziness." People said that work was second nature. He claimed that it was more. When you taught a man to move along and move in the right direction, you taught him a lesson that he would never forget. If you taught him to keep constantly employed, not however as a mere machine, you would make a laborer of him; and constant labor was one of God's methods for the salvation of the human race. He had great faith in the power of education. Going to sunday school and to day school had been the means of saving thousands of boys. He said a city missionary saw a boy fishing, and said to him: "My boy, you are breaking the sabbath." Said he, "No, I am not, for I have not had a bite yet." He thought if he did not get any fish, he had not broken the sabbath. So we educated our boys by teaching them nothing. A man told him the other day of a boy who had gone far away from home, who wrote to his mother: "Mother, when you taught me to sew, you taught me something that has been a very great blessing to me. Why, I could not live out here in Alaska if I had not learned to sew; it has been a comfort and a blessing to me."

Mr. TALCOTT, of Rhode Island, said that they had utterly discarded dark cells in the Providence reform school for a long time. More than twenty years ago he thought it was the worst kind of punishment used. When in the Connecticut state prison, twenty-one years ago, he said to the warden, "Do not compel me ever to shut up a man in a dark cell to punish him; let me give him a

place where he can work by himself, eat and sleep alone, and have a book or bible, and I have no fears." The warden said he might have such a place; and when a man would not submit to the rules of the prison he was sent there, and he had yet to find the man who, with a little time, would not come to the rules. Such a punishment did not wear and worry the man's feelings; it simply brought him to a wholesome state of mind.

Mr. SANBORN, of Massachusetts, said that, in order to bring this question to a point, he would offer a resolution, as follows:

Resolved, That the district prisons described in the paper of Mr. Byers, intermediate between the state prison and the county jail, are a necessary part of a complete prison system, and, in the opinion of this congress, such district prisons ought to be established in all the states where they do not now exist.

He thought that this expressed the ideas of those who had followed the paper in discussion. As we had a number of states where such institutions did not exist, and where efforts might be made to induce an improvement upon the county jails, he thought that such a resolution ought to be adopted, and might be of service in those states. It seemed to him that the establishment of these prisons everywhere should be the first step in the practical reform of the prison system.

The resolution was referred to the business committee.

Mr. HENRY CORDIER, of Pennsylvania, said that he had been, up to January last, superintendent of the state prison in Wisconsin, and consequently was more or less familiar with the management of such institutions. Within the last six or seven months, he had been superintendent of the Allegheny work-house in Pennsylvania. There was a great difference between managing the convicts of a state prison, and managing and governing the inmates of such institutions as those described in Mr. Byers' paper. His present institution was in an inchoate state yet. They had one wing with 178 inmates, who are at present engaged in helping to complete the building. The question came up, "How are these inmates to be employed after the building is finished." He had thought it over and over again, without yet coming to any definite conclusion. Of course, it was commonly believed, not alone by the unintelligent, but also by the intelligent, that those prisons were best that paid best; therefore, it would be necessary for every prison manager to make his prison pay, or

else he would be pronounced a failure. It would also be neccessary to introduce trades and manufactures, and in order to make these pay, it was neccessary to employ all the modern machinery and improvements, so that they could get the same amount of labor and of the same kind, that private individuals, companies and firms did outside. The result was that the inmates of our prisons were turned into machines.

He said that Mr. Brockway was considered one of the most successful prison superintendents in the United States, if not in the world, and he would ask him to answer, conscientiously, whether he was satisfied with employing his prisoners thus? He thought he would answer no. He would ask whether the highest moral results were achieved, when we aimed at and attained the highest possible financial results? When the men were discharged, they had nothing but a part of a trade, and they would naturally be drawn into their old ways of living, and probably commit some crime as before.

Dr. WOLFF, of New York, thought that, before the congress adjourned, they should take a decided step as to what to do with convict labor, and by all means not let it out to contractors. Of all the evils they had to contend with in New York, the contract system of labor was the greatest. It obstructed discipline, degraded labor, was injurious to the pecuniary interests of the state, and was a formidable impediment to reformation.

Mr. E. G. HARLOW, of Maine, offered the following resolution:

Resolved, That, as the sense of this congress, in the administration of all classes of prisons, the paramount object should be moral and religious improvement, and that this is compatible with industry on the part of the prisoners and economy on the part of its officers; that the desire to make a prison a source of revenue, or even self-sustaining, should never be allowed to supersede those more important and ever-to-be-remembered objects — moral and religious improvement.

Referred to business committee.

The last half-hour of the session was devoted to the reading of questions handed in by members, and the giving of short answers to the same.

Question: Is the nomination of prison boards by the executive and their confirmation by the senate the best mode of appointment?

Dr. WINES would answer by stating what had been done in New

York. In anticipation of the constitutional convention, held in 1867, the New York prison association appointed a committee, of whom Gov. Hoffman, Dr. Lieber and other distinguished and able gentlemen were members, to prepare an article to be submitted to that convention for incorporation into the amended constitution. The article prepared by the committee substantially embodied the following propositions: The appointment of a board of five prison managers for the state, to serve for ten years; one member to go out every two years, and another to be appointed in his place. This board to be appointed by the joint action of the governor and senate, and to serve without compensation, but to appoint a secretary, who should be a salaried officer, and be at the head of a prison bureau. The board of managers to appoint the four principal officers in the prison, namely, the warden, chaplain, physician, and clerk. These officers to hold office during good behavior, and not to be removable otherwise than for cause stated in writing and after a fair hearing. The subordinate officers — the police force of the prison — to be appointed by the warden, and removable at his pleasure, subject, of course, to his responsibility to the board. The article was adopted by the convention, and incorporated into the constitution; but, unfortunately, when the constitution was submitted to the people, the whole thing was rejected, and the prison article fell with the rest. But it was revived last winter in the legislature, as a special amendment. The senate adopted it by a unanimous vote, but it failed to be acted upon by the lower house. The effort will be renewed the coming winter, and he thought that article would yet find a place in the constitution of the state.

Gov. Baker said that he would have the supreme judges make out a select list from among the eminent men in the different counties of the state, and he would then require the governor to make his selection from the list, to be submitted to the senate for its confirmation. He thought this could be done without mixing up with politics.

Question: Is the imposition of fines proper, especially upon children; and, in the latter case, should the fine not be upon the parent instead of the child?

Mr. Pierce, of Massachusetts, said that fines were generally unequal. If the fine was upon the child, he had no property and no means of paying it. Whenever the fine was imposed upon the parent, it should be at the discretion of the court to imprison the

parent instead of the child, for, in nine cases out of ten, he was responsible for the crimes of the child.

Mr. HARLOW, of Maine, said the position of the gentleman from Massachusetts, that a person should answer for the crimes of relatives, was contrary to the practice of every age and to the laws of God and man.

Mr. BROCKWAY, of Michigan, said that our system of fines, in effect, licensed crime, and the fines came out of the relatives. Last week a woman came to his prison and paid twenty-five dollars, for the fourth time, as a fine for her son. He said to her, "Why do you do this?" "And shure, sir," said she, "if I don't do it, he will kill me when he comes home."

Rev. A. G. BYERS, of Ohio, wished to say that the poor man, for drunkenness, or some petty offence, went into the prison, and suffered not only the penalty of his drunkenness, but the penalty of not being rich enough to meet the requirements of the law.

Question: Should there not be a teacher of technical science, as well as of the common branches, in a state prison?

Mr. A. W. ALEXANDER, of St. Louis, said that prisoners were supported at the public expense, and it was not the duty of our legislatures to give them any more than that amount of education which every poor man was able to give his children.

Mr. HOBBS, of Indiana, said that there was a great difference between men and children; children would take in knowledge in elementary forms. He claimed that there was a certain kind of knowledge to impart to men, not taught in the common schools.

Dr. WINES, of New York, thought that the regular schoolmaster should be a man capable of imparting all the knowledge necessary for prisoners.

Dr. WOLFF was sure that, if you were to go to a prisoner and talk about teaching him science, he would say, "Get out; I want none of that stuff." He had talked to those men, and the majority of them preferred to have you talk about something they could understand.

Mr. FOOTE, of Ohio, said that his experience was directly opposite to the gentleman's. There were few scientific books that had not been in demand by our prisoners.

Dr. WINES said, that in the very prison represented by his friend, Dr. Wolff, he knew of a convict who had read Dwight's Theology through, and who showed by his answers to questions that he had

done so intelligently; and in the Massachusetts state prison more than one convict had read the whole of Humboltd's Cosmos.

Mr. O. BREWSTER, of Illinois, concurred in the above views, and thought that the highest truths could be grasped by prisoners.

Question: Should not our juvenile reformatories be endowed so that the inmates might secure that part of the proceeds of their labor which was above the cost of food and clothing?

Mr. SANBORN, of Massachusetts, said that in such institutions there were no proceeds above the cost of food and clothing.

Question: Is it proper to admit females to personal efforts to reform males in our prisons; if so, to what extent and in what manner?

Mrs. LYDIA SEXTON, chaplain of the Kansas state prison, being specially called upon for an answer, said: I presume that you will all agree with me that good is good, come from whatever quarter it may. My motto has been, and is, "Send, Lord, by whom thou wilt send." I was called to the chaplaincy of the penitentiary in Kansas last January, when in Illinois, nearly six hundred miles distant. I had never thought of such a thing as that. I revolted at the idea; my heart seemed to say at once, "No!" "Can you take the position of chaplain of the penitentiary of Kansas?" was the question: I thought it impossible.

I studied and prayed all night over the question; and how those poor criminals in their cells loomed up before my mind! I did not sleep a wink, and before morning it was decided in my own mind that I must go. I did not seek the position; I never thought of such a thing at all, until I was told that I was nominated for the place, and asked if I would accept it. Friends, I went there, and on the last Sabbath of January I preached my first sermon to that people. My text was, "The way of the transgressor is hard," and I did the very best I could. My predecessor, brother Mitchell, of the M. E. church, of Leavenworth, had resigned some three or four months before. He had organized a class of about twenty members among the prisoners; but when I went there the class-book was destroyed and the class broken up. I have brought my class-book along with me, by order of the directors [the lady chaplain here exhibited the book]; the number of names upon it now foots up eighty. Some have been pardoned, and have gone out to mingle with society; and I am happy to say that some who have been pardoned are trying to live upright, pious lives. I have seen just

as genuine conversions among those prisoners as I ever saw anywhere. I must tell you of one man. When I went to the grated door of his cell, and inquired, "How about your case?" he said: "Don't tell me any thing about God and religion; I don't want to hear any thing about them." But I would not be thus repulsed. I asked him if he was certain that he would live always. His answer was, that he certainly would not. I asked, "Have you any lease of your life?" He answered, "I have not." "Do you believe there is a God?" "I do." "Where do you stand, if to-night you should close your eyes in death?" "Don't talk to me about religion. I am going to have revenge. I was put in here an innocent man, by all kinds of falsehood. I have $100,000 worth of property in New York, and they are trying to gobble up my property there by fraud; don't tell me any thing about religion." Only a few days afterward he sent for me to come to his cell. On going there, he said: "I believe it was a good thing that I was put here; I have thought about God and about my danger of eternal woe, and I feel as if I would give all my property, if I could only have Jesus in my cell; it is the only thing I want." Not more than two weeks afterward God pardoned his sins, and set his captive soul at liberty. He said to me then: "I will never brew another gallon of liquor:" it was in that way he had acquired his wealth. Said he: "I believe God sent me here for my good, and that he sent you here to call me to him." "Mother — may I call you mother?" inquired he. "Yes," said I, "you are all my children, and I want to lead you all to that Friend that sticketh closer than a brother." Said he: "I left my mother in Germany, but you now seem nearer to me than my own mother. You have done a work for me, under Almighty God, which my mother never did; you have taught me the way to Jesus."

Friends, is it right for a woman to use efforts for the reformation of prisoners? I leave you all to answer.

The convention adjourned until 7½ P. M.

EVENING SESSION.

The congress was called to order at 7½ P. M., Governor HAYES in the chair. Opened with prayer by Rev. A. D. MAYO.

Hon. E. B. SMITH, of Maine, read a paper on The Irish System of Prison Discipline, by the right honorable Sir WALTER CROFTON, C. B., of Winchester, England.

For Sir WALTER'S paper, see page 66.

Mr. SANBORN, of Massachusetts, read a paper on the question, How far is the Irish Prison System applicable to American Prisons?

For Mr. SANBORN's paper, see page 406.

Rev. THOMAS K. FESSENDEN, of Connecticut, asked whether this system had been adopted in any state of the United States?

Mr. SANBORN replied that the Irish system was a name that embodied a multitude of features. We had some of its elements in almost every state. They had, in Ohio, the shortening of sentences by good conduct, which was a principle of the Irish system. He thought this was the law in more than two-thirds of the states. There were other features which we had in this country. We found the ticket-of-leave system in Ireland, and we had phases of it in the law of Massachusetts, but, unfortunately, the law had never yet been carried into effect.

A member asked: In Ireland, what keeps prisoners from tearing up their tickets-of-leave?

Mr. SANBORN: There is no reason that I know of, except the absurdity of doing it. Each is registered in his police district, and if he does not report himself when he moves out, the police will find him and he will be returned to prison.

Question: Do they know how many come to the United States?

Mr. SANBORN: I presume not; they know that a large number leave Ireland. The population of Ireland is so great that many are glad to go elsewhere to get food enough. You could not keep a ticket-of-leave man in Ohio twenty-four hours after discharging him. I would like to say one thing in regard to Massachusetts: it is a fact that in Massachusetts more than fifty per cent of the prisoners are of Irish birth — the same material that the Irish system works upon.

Mr. ALEXANDER, of St. Louis, here made some remarks favoring the introduction of music into prisons, as a means of elevating and refining the prisoners.

Rev. Mr. AMES, of Massachusetts, had had the privilege, some four years ago, of visiting the intermediate prison at Smithfield, in the suburbs of Dublin, and seeing something of the working of the Irish prison system. He met Mr. Organ, one of the most remarkable of men, and witnessed his course of instruction. He was astonished at the progress these men were making in education and knowledge.

Mr. Organ called them up and asked them questions on English history, and on the United States and other countries, and they answered them promptly, with a very great degree of accuracy. Mr. Organ had taught them the elements of natural philosophy and chemistry. He had in the school room various cards and pictures, which he used as a means of instruction and illustration; and also the model of a ship, by means of which he conveyed to them no little of seamanship. He could not tell how many subjects were dwelt upon, but he was amazed when he considered that the men were ignorant of all these things when they first entered the prison. They were as well prepared to go out and take their places in society as the majority of people. Most of them had learned a trade, and, when they went out, they readily secured places where they earned good wages.

Mr. Organ informed him that at first it was almost impossible to find places for the men, but they had been so true to their training that before his death he had more applications than he could fill. After witnessing at Smithfield what he had but imperfectly described, he was driven to Lusk, about twelve miles distant, where there was another intermediate prison, and when they had arrived there, the gentleman said, "This is the prison." He was astonished; not a wall, not a guard there. Here were half a dozen men reaping grain; there were as many more binding sheaves; and he could not tell the prisoners from the overseer, only the latter was not working as hard as the prisoners were. It was one of the most remarkable sights he ever saw, and impressed him with the fact that prisoners were susceptible of improvement and cultivation, when those in charge of them were in earnest and in sympathy with them. It was no use to attempt this system, unless you entered upon it *con amore*.

Dr. WINES said that it was well known to those conversant with the subject that, in the Irish system, there were three stages: the first, of separation — a more strictly penal stage; the second, of associated labor, with progressive classification — which might be called the reformatory stage; the third, of natural training in what was called the intermediate prison — a probationary stage, in which the imprisonment was rather moral than physical, and was intended to test the genuineness of the reformation. But in all these stages, the education of the convicts received earnest attention. In the first, the teacher went from cell to cell, giving his lessons.

In the second, the convicts were assembled in a school room, which was presided over by a school-master, with the necessary assistants, and supplied with all needful appliances for instruction, such as text-books, blackboards, maps, globes, drawings, etc., etc. In the third, the school was still regularly kept up; but, in addition, there was a lecturer, who gave familiar lectures daily in both the intermediate prisons — one at Lusk, the other at Smithfield, as Mr. Ames had stated — on useful topics of various kinds: philosophy, history, geography, the labor question, strikes, morals, emigration, etc., etc. The prison schools, like the state schools, were under the inspection of the government inspector, and he visited them just as often as he did the others. In a late report he stated that the improvement made by the scholars in the prison schools was quite up to the standard in other schools. Photographs of the convicts were taken, both when they were committed and when they were discharged; and it was said that, not unfrequently, when the two pictures of a convict were placed side by side, it was impossible to recognize them as being of the same person. Nothing could better illustrate the humanizing, refining, elevating effect of the discipline, and particularly of the education received, than such a fact as this.

Dr. HATCH, of Connecticut, said that he would like to ask Mr. Ames whether the Irish prisoners wore a parti-colored dress?

Mr. AMES: My recollection is a little at fault, but I think not. I am the more inclined to this belief, from the fact that they are often allowed to go about the city by themselves, and I think that that would not be so if they wore a parti-colored uniform. Even those at Lusk, twelve miles from Dublin, were not unfrequently permitted to visit the city unattended by an official, and told that they might spend so many hours away from the prison. Not one, under these circumstances, during a period of more than a dozen years, had escaped, or even made the attempt to do so. On such occasions they were allowed a certain amount of their own funds, wherewith to make purchases for themselves, and were also intrusted with moneys by their fellow-prisoners to purchase articles for them. The liberties thus granted were never betrayed; the trusts thus assumed never violated.

Dr. HATCH said that no part of the proceedings had interested him more than the papers and discussions on the Irish prison system, and he believed that the American people would be no less

interested in them than he had been. It occurred to him that there could be but one objection to the system as set forth, viz.: that some might be induced to get into a scrape, and so into state prison, to secure a home and a good education. He did not, however, think this a very formidable objection, and he saw by their laughter that the audience did not. No; instead of crushing the prisoner, elevate him and bring out his manhood, the noblest thing that God ever made. With regard to the ticket-of-leave system, he thought he knew something about that; he had had some experience of it in the state of Connecticut. One year ago he let a boy go home to Hartford with a ticket-of-leave; a man said: "I will have him arrested, he is a burglar." The next day the boy's mother wrote him that he wanted to come back, but she had no money to send him. Dr. H. sent for the boy, who came and stayed in the reformatory one year, and the past summer he had gone out a *man*. He (the boy) said he intended to go to Hartford, and meant to get a good education. He had been suprised to see with what facility boys learn, though at first study was distasteful to them; but once give them an insight into what education would do for them, get them interested in the work, and put them in a class where the feeling of emulation would come into play, and you would see them awake and interested. He thought the subject was a grand one; that the education of prisoners would commend itself to every man in this glorious country of ours.

Mr. SANBORN said that, in his paper, he had omitted to speak of one point, and that was the management of female prisoners. He would, however, supply the omission before the paper was printed. The women confined in the Irish prisons did not, on their discharge, go to either of the intermediate prisons, but to one or other of two establishments in Dublin — the one managed by protestant ladies, and the other by catholic ladies — where they went through a similar process of training, and were then taken into employment by private persons. This opened a very interesting question; he saw a lady, Mrs. Stewart, in the audience, whom he wanted to hear say something on the question of woman's work among prisoners.

Mrs. E. D. STEWART, of Ohio, said that she wished to have some unequivocal expression from the congress in reference to engaging women in this reform work. She said that some ladies had been engaged in it and had done wonderful things, as all knew. As to the discharged prisoner mentioned by judge Carter, who

was reformed through the faithful labors of a lady, Mrs. Janney, he was now in Missouri, doing well; she remembered the case well. She knew another case, where the same lady had succeeded in getting a man pardoned, who went into the army as a private and rose to the position of captain, came home, and became a good man, and was now in Kansas, prosperous and well to do. She knew many other cases; one of a boy who ran away from the reform school, and the authorities, being informed by the gentleman with whom he was, came for him with manacles to put on him. The wife said: "Do not put them on him; you have a couple of other lads with you; put him in charge of them; they are all the manacles you need to put on him." They did so, and the boy went back. "That," said she, "was moral suasion, and we want more of it, and want the woman element in it. She thought that we should have women as teachers, as visitors, as assistant guardians, assistant directors, etc., etc.

Mr. T. J. Bigham, of Pennsylvania, thought that, from what we had seen of what women can effect, we could do more by the use of that element than by almost any thing else. It was a great element in the Roman catholic church. The devil understood woman's power. Coming up Fourth street, he saw a sign in large gilt letters, that they had female waiters in there. He would venture to say that these were the places that prepared your boys and girls for the house of refuge and the penitentiary. The impression had gone abroad among the ladies that they could not take a part in these labors — that it was mixing up with the woman's rights question; but it had nothing to do with the question of voting.

Mr. Wardwell, of Rhode Island, said he knew instances where men had learned to read the Bible through the teaching of women. He stood a living witness of sixty-four criminal men who had been influenced by women to become better, and some of them had died rejoicing in the prospect of glory. He felt as if he could lose his right arm, if need be, in defence of the work of women in prisons.

Rev. C. C. Foote, of Michigan, said that in the Detroit house of correction every man sentenced for ninety days and over was put on the school list and had a seat in the school room, which was a very fine one. They had an organ, and they sang with spirit and delight. They frequently sang from a large card, and all had hymn books. We had a lecturer, who was an old, experienced

teacher, and he lectured on a great number of practical and useful questions. They had also a capital female teacher. The effect of these schools on the pupils was excellent.

Mr. P. CALDWELL, of Kentucky, did not believe that ignorance was a cause of crime, or education a cure for it. Ignorance and crime were not cause and effect; both were simply the result of the same cause. Where we saw crime and ignorance conjoined, it simply told us that there was crime-producing influence where ignorance and crime were linked together; but it might as well be said that when we saw the barometer fall, the fall was the cause of the rain; or that when the mercury in the thermometer rose, the rise caused the heat. It was not true, in theory or in fact, that ignorance was the cause, or education the remedy, for crime.

The Rev. Mr. QUINBY introduced a resolution recognizing the value of women's work in penal and reformatory institutions, which was referred to the business committee, and by them incorporated, substantially, into the declaration of principles, which was subsequently adopted by the congress.

Congress adjourned till 9 A. M., to-morrow morning.

THIRD DAY.

Friday, October 14, 1870.

MORNING SESSION.

The congress met at 9 o'clock — Governor HAYES presiding — and was opened with prayer by Rev. H. D. MOORE, of Cincinnati.

The BUSINESS COMMITTEE reported the following resolutions, which had been previously referred to them, and recommended their passage:

Resolved, That the best moral and reformatory results of prison discipline are compatible with pecuniary self-support, but that such support is only partially attainable in juvenile preventive and reformatory institutions.

Resolved, That district prisons, intermediate between the state prison and the county jail, are a necessary part of a complete prison system, and, in the opinion of this congress, such district prisons ought to be established in all states where they do not now exist

Resolved, That there be appointed a committee of six, who

are hereby instructed to prepare a list of books in the English and other languages, treating of the history, government, discipline, and results of penal and reformatory institutions.

On motion, the resolutions were adopted.

Mr. ALEXANDER, of Missouri, moved that the reading of papers be dispensed with for to-day, and gave his reasons for the motion at length.

Dr. WINES, of New York, said that those reasons could be readily met, but he would not consume the time of the congress by any rejoinder. He would simply ask members to vote the motion down.

The motion was lost.

Mr. C. F. COFFIN, of Indiana, read a paper, communicated by Brother Teliow, superintendent of the catholic protectory, New York.

For Mr. Teliow's paper, see page 311.

Mr. COFFIN, referring to the remark in Brother Teliows' paper, that children of different religions ought not to be mingled in the same reformatories, said that they found no difficulty in the religious instruction of the children in the Indiana house of refuge; for all they wanted to teach them was, "Christ and him crucified," the simple principles of christianity that would bring them to the Saviour, but nothing denominational.

Mr. FOOTE, of Ohio, said that when a catholic child was brought into their institution he simply said to him, "You are a bad catholic; if you were a better one, you would not be here."

Mr. BROCKWAY, of Michigan, had a catholic in his prison who went into the sabbath school and taught a class of children. One day he was approached by the priest, who said to him: "Are you here in a protestant sabbath school?" "Yes, sir." "You surely teach catholic sentiments?" "No, sir." "Do you teach protestant sentiments?" "No, sir." "Then what in the world do you do here?" "Well, father, I try to teach the children about Jesus and make them better, if I can." The old man replied, with a slap on the shoulder of the man: "Go on, my boy; I guess you are doing well enough."

Mr. TALCOTT, of Rhode Island, said that from the commencement they had had no doctrine but "Jesus Christ and him crucified." All christians were always welcome there; and they could all stand upon the true relationship of brotherhood in the religion of Christ.

Mr. C. REMELIN, of Ohio, could not help protesting against some of the remarks made there. All were aware that there was a population in this country, from Europe, who furnished the smallest proportion of criminal children; and they were the Jews. They had hardly a child in the Cincinnati house of refuge. He thought the reason was, that obedience to and reverence for parents was greater among the Jews than among the christians.

Rev. Mr. CHIDLAW, of Ohio, said that we had in this country a large population of Welchmen, and he was happy to say that he was one. We hardly ever found one of them or their children in our prisons. His people, too, taught reverence and obedience to the children out of the christian religion. He was glad that such principles and such teaching were not peculiar to the Jewish people.

Rev. Mr. CRAWFORD, of Michigan, said the point was to teach christianity, as had been indicated in the essay, without reference to sectarianism, and then we could reach the Jew, the catholic, the protestant, and all men.

Mr. EVANS, of Massachusetts, said that, in his institution, they allowed the catholics the same privilege they did other denominations, that is, to come and preach the principles of christianity; but as to taking them separately and teaching them in their own doctrines, it was not permitted.

As far as his experience went, when boys first came to the Westborough institution, they had generally no religion; their religious opinions had yet to be formed, and the state had no right to teach sectarian principles of any kind, but only the general principles of religion common to all sects.

The Rev. Mr. SCHOONMAKER, of New York, said that it seemed to him that they were treading upon delicate ground. In religious teaching, at Sing Sing, he avoided every thing sectarian. Over two-thirds of the convicts were Roman catholics, and when any of them asked for a Douai bible, he gave it to them.

Rev. Mr. SHELDON, of New Jersey, thought there was no difference of opinion in the congress on that question. The paper of Mother Teliow, however, suggested one thought to his mind, which was this: Is it advisable for any denomination to found an institution of this kind, with reference to reforming only the children of their own faith?

Mr. HARLOW, of Maine, believed that religion was what made men better, no matter what the name might be.

Mr. F. B. AINSWORTH read a paper entitled The Strongest Wall is no Wall.

For Mr. AINSWORTH's paper, see page 322.

In answer to questions by Mr. Lincoln, of Maryland, Mr. AINSWORTH said that the maximum age at which boys could be received was 18 years; that the board of control was appointed by the governor and senate; and that the boys were committed by a court, by the parent or guardian, or by trustees of towns.

The Rev. Mr. CHIDLAW, of Ohio, read a paper on the Reform Farm at Lancaster, Ohio.

For Mr. CHIDLAW's paper, see page 328.

Mr. FOOTE, of Ohio, said that he had been one of the original commissioners or managers of the farm school and knew its history from the start. If ever an institution had been favored of heaven that had. Mr. Remelin, a man eminently qualified, had been selected by governor Chase as one of the first commissioners, and the services he had rendered had been invaluable. No reformatory had, at that time, been established in our country on the family plan. Mr. Remelin, being in Europe on private business, visited such institutions extensively in England and France, came back, and reported on them, and the result was the Ohio reform farm school. They first put up a log-house, so that they could report to the legislature not only that they had a plan, but had made a start, so that the legislature could not go back on them. Well, they made arrangements to have 20 boys brought from the Cincinnati house of refuge to hold on by, and he was to send nine from Cleveland. He got the worst there were in the city, and when they came to the farm they insolently asked if they could have tobacco and liquor. One of those boys had since been through college, and was now just going to enter upon the study of law. When this boy expressed a purpose to go to college, Mr. Foote had said to him: "I will help you, John." "No," said he, "I will work part of the time and study part of the time;" and he worked his way through on that principle. Another of those nine boys had been second officer in the institution, and every one of them had turned out well. One of their rules was, that when a boy went out into the world, and from sickness or any other cause could not succeed, he might return to the school and stay there until he could start again. The boys felt that they had a *home* there, if nowhere else. He believed that, as God had given

them Mr. Remelin, so he had selected another man for them in Mr. Howe, their superintendent. He wanted all of the members of the convention to go to the farm and see Mr. Howe and the boys, and especially Mrs. Howe. He thought she was about ten women put into one; he never saw a woman who could do so much work. The farm school had been useful in another way: it had been the occasion of the establishment of two industrial schools and a children's home in Cleveland, which, together, had for the last twelve years placed in permanent and good homes some 50 children annually. Similar institutions had been established in Cincinnati, Zanesville and other towns in Ohio — the result, he believed, of the example of the farm school. Moreover, their school was confessedly the model of like institutions in some other states, being the pioneer in this direction. The Ohio reform school showed the value of a permanent board of managers, having been under the direction of the same board from the start. No removal from office had ever been made, and no changes except by resignation. Mr. Foote related the case of a boy — one of the hardest and most unpromising they had ever had — to whom he said, after his reformation: "John, how did you feel when you first came here?" Said he: "I saw I could get away and determined to do so, but I soon saw that it gave me such a chance in life as I had never had before, and I resolved to avail myself of it." Did not that speak volumes in favor of a system which restored confidence and hope even in the neglected and vicious, and did it not furnish a clue to the reason why no more escaped from institutions modeled on the family system? Verily, it was better to hold "the key to the heart than to the cell of the convict."

The reading of Mr. Chidlaw's paper, and the statements of Mr. Foote, excited much interest among the members of the congress; and the superintendent, Mr. G. E, Howe, was invited to take a position on the platform, for the purpose of answering certain questions that members seemed anxious to put. The reporter has made the interrogatories impersonal, as the names of the interrogators were not announced, and many of them were unknown to him.

Question: How many of the inmates escape, or attempt to escape?

Mr. Howe: I have not the figures with me, and can answer only from recollection. In our early history there were a good many

attempts to escape. As we have gone on, there have been less and less attempts year by year, until the time has come when we scarcely have any. Out of four who have escaped lately, two have returned, and we know where the other two are. Formerly, when a boy escaped, we made great efforts to capture him and bring him back; but we now pay very little attention to such cases.

Question: What is the average number under your charge, and the average number of escapes annually?

Mr. Howe: My memory does not serve me further back than for the past three years. Ten have escaped during that time, being an average of 3⅓ per cent, with a daily average of 345 boys; less, therefore, than one per cent. Some of those who thus escaped are now in the institution.

Question: Do your boys consider themselves under restraint while in the institution, and if you send several to do any given work, does an officer accompany them to see that they do not run away?

Mr. Howe: Whenever we send a company of boys out, they have some one to take charge of them, but not always an officer; sometimes it is one of the boys. We often receive boys from the state prison at eighteen years of age, and when a boy of this kind comes to us, we try to get near to him in some way. For instance, if we want a boy to drive a team, and learn that he knows how to manage horses, I say to him: "I understand that you are a good hand with a team. I have an excellent one, and take a good deal of pride in it. I want a good boy to take charge of it. If you are a good teamster, you will be of value to me by going to town and transacting business for me there. I shall want you to keep the horses in good condition, and never overload them. If you can be trusted, I shall be glad to have your services, and if not, tell me, and I will excuse you." The boy will almost invariably say, "I would like to have you try me." We have received many boys from the Ohio penitentiary, and never has one of them betrayed our confidence or committed any improper act in Lancaster. Our boys go there and transact business, and are treated with as much respect as I am. Experience has taught us that it is best not to have officers tied to our boys all the time, but to give them more freedom. When they go out under proper instructions, they never do what is wrong, because they know that in that case they will not have a second opportunity.

Question: What are your modes of punishment?

Mr. Howe: We have a variety of punishments. We try to exercise common sense in punishing. We find it difficult to lay down any complete system of rules by which a boy may be governed under all circumstances. We punish as a father would punish his children in a well regulated family. We give a boy a meal of bread and water; or we lock him up for a time; or, in extreme cases, and when other means fail, we inflict corporal chastisement, but the rod is always applied below the hips. But punishments of any kind are comparatively rare. We rely more on rewards than on punishments. The great instrumentality by which the conduct of the boys is regulated is the system of badges, showing the standing of each boy. We have twelve grades. Promotions are made monthly. If a boy has not merited it, he is not promoted, in consequence of which his time in the institution is prolonged; and if his conduct is positively bad, he is degraded and put back. All like to attain to the highest honor, and this desire we find to be the strongest incentive to good conduct. When a boy reaches the highest round in the ladder, he is discharged from the institution.

Question: How nearly does your income from the boys' labor meet your expenses, and what other sources of revenue have you?

Mr. Howe: The institution is supported by appropriations made by the state from year to year. Our legislature is liberal; we have never yet asked for a dollar which we have not received. We reduce our expenses as much as possible by the labor of the boys. Our yearly expenditures are about $40,000 — equal to $130 for each inmate.

Question: Are your expenses $130 for each inmate, after deducting the products of their labor?

Mr. Howe: Yes; but, having purchased a wild farm, the greater proportion of the labor has yet produced no income, having been expended in clearing and subduing the land; but this labor will remunerate us in the end. Our vegetables and small fruits will from this time be increasing from year to year.

Question: You spoke of sometimes locking the boys up as a punishment; do you use dark cells for this purpose?

Mr. Howe: No, sir; originally, a number of stone lock-ups were constructed; but they are never used, and we are seriously talking of taking them down.

Question: Do you take all the boys who are sent to you?

Mr. Howe: We do, with the exception of imbeciles. No matter what the enormity of the crime committed may be, we receive them. So crowded have we sometimes been, that we have been compelled to decline vagrants, and confine ourselves to those who are sent from the jails for crimes.

Question: Have you ever had any case where the pupils tried to set the building on fire?

Mr. Howe: Never.

Question: Do your boys use profane language?

Mr. Howe: I have known only of one case.

Question: Have you ever seen any obscene pictures on the wall?

Mr. Howe: I have not.

A member: Allow me to ask whether you are expected to work miracles in your institution?

Mr. Howe: I sometimes think we are expected to do so.

Mr. Foote, of Ohio, one of the managers, said that he had been there on an average once in two months from the foundation of the reformatory, and had seen the boys in every part of the premises, and never had heard a profane or obscene word, nor seen an obscene picture.

Mr. Harlow, of Maine, said that the reform school in his state was of about the same size as that at Lancaster, and it cost only from ten to fifteen thousand dollars per annum, above the earnings of the boys. He asked Mr. Howe, whether he expected such large appropriations as he had been receiving to continue for all time?

Mr. Howe: No, sir, we do not. We expect to get a good deal from our farm in future; we also propose to establish mechanical industries immediately, which we expect will be remunerative.

Question: Is it not your opinion that much more has been saved to the state than has been expended in the maintenance of the institution?

Mr Howe: We have always taken the ground (and we believe it to be true), that the state saves far more through us than it appropriates for our support.

Question: How do you get boys from the state prison?

Mr. Howe: Our governor has the power to commute the sentence of any boy sent there.

Question: Would the denial of books be a punishment?

Mr. Howe: Our boys are great readers, and privation of the use of our library would be felt as a sore affliction. We have, in addition to our circulating library, a young men's christian association reading room, in which we have nothing but what has been donated by the citizens of the state, who have been very liberal in their contributions to it. It is our intention to have every county in the state represented. Every book contributed has a ticket, with the name and county of the donor, so that every boy from that county knows how and whence the book came there. No boy can have the privilege of the circulating library without a perfect record as to conduct and lessons. It is well lighted and handsomely carpeted, and the boy, on entering, having previously washed and cleaned himself, feels like a gentleman, and, what is more, acts like one. We have music, and magazines, and periodicals, all by private contributions.

Congress adjourned to 3 o'clock P. M.

AFTERNOON SESSION.

The congress re-assembled according to adjournment.

Rev. Marcus Ames, superintendent and chaplain of the family industrial school for girls, Lancaster, Massachusetts, read a paper on the Desirableness of an increased Number of Reformatories, especially for Girls.

For Mr. Ames' paper, see page 337.

Capt. M. L. Eldridge, superintendent of the Massachusetts nautical reform school, read a paper giving the History of that Institution.

For Mr. Eldridge's paper, see page 350.

Dr. Hatch, of Connecticut, said that the number of boys that escaped or did not escape, whether less or more, was no evidence of the value or want of value of a system. It was the man you had there; you should have a man that feared God, and knew how to rule his household well. His own school was not a family school; it was on what was called the congregate system. Some thought that the family system could only be operated on the farm plan. He had 160 acres, and he could remember of but two boys escaping; in the last five years but one had escaped, and he came back and gave himself up. One of their boys was a clerk in a government office at Washington, and another a clergyman in Philadelphia. He thought that what we wanted in any system was kind-hearted,

earnest, working men, who would stand up boldly and fearlessly for the dear, loving Saviour, and hold him up to view at all times. How foolish it would be for any man to say that his system was better than any other! The grand, glorious system that would save humanity and save the world — the gospel of the Son of God — was above any and all other systems. We should put away every feeling that "mine is the best or the only system," and should work together with kind, loving hearts; and, in establishing new schools, profit by the experience of those already established.

Mr. MURRAY SHIPLEY, of Ohio, said that he once visited a school in Dublin, Ireland, where young girls were systematically trained to pick pockets. There were many such schools in our own cities, not only to train the young for picking pockets, but for every other crime. They had taken into their children's home in Cincinnati a child not more than six years old, who had been educated to crime by her own vile mother and grandmother. She was now in a good home. The state should step in to forbid and prevent such horrible wickedness, saying to parents, "You shall not bring up your children to crime." The question how to do this was an important one, and was worthy to be deeply pondered.

Mr. LINCOLN, of Maryland, said that his long experience would furnish numerous instances of boys trained in reformatories attaining honorable positions in society. They had a savings bank in their institution, in which the boys had deposits to the amount of $2,100. This was the result of their savings. The amounts to the credit of the boys varied from a few cents to $50 or upward. They gave them instruction in music, and held out incentives for improvement in education, etc. They permitted them to go and spend weeks and sometimes months on visits. Sometimes they had placed money to the amount of $300 in the hands of boys to pay bills about the city.

Dr. WINES, of New York, said they proposed in his state a new reformatory a little different in character from those that had been spoken of, but which would rightly come in at that point. It was not yet in operation, but a building commission was appointed last spring under legislative authority, and they had made progress in their work. He said that General Pilsbury, superintendent of the Albany penitentiary, was one of the commissioners, and though a great man, was at the same time a very modest man, not disposed to scramble for the floor; and he hoped he would be heard a

few minutes in reference to what had been done. If the proposed reformatory succeeded, as he hoped, it would revolutionize prison discipline in the whole country.

Gen. PILSBURY said that the commissioners—five in number—had purchased a farm of over 200 acres, and were working upon the plan for the buildings. It was intended to be a state reformatory for young men between the ages of sixteen and twenty-five years, who had not been previously convicted. The commissioners, following therein the design of the originators, meant to have the prisoners classified, and they were studying to adapt the buildings to that end. Of course, it would be for the permanent managers to devise the details of a system of discipline; but the expectation of the building commissioners was, that the course of treatment would be arranged in successive stages and classes, each to be reached as a reward for obedience, industry and good conduct on the part of the inmates. The cells, in accordance with this design, were to be of different sizes; those for inmates in the final stage to be made large, airy, and attractive. The convicts were to work their way up to this stage, from which they would go out into the world. Almost every man had his pet. The Albany penitentiary had been his; but if he ever rode a hobby, his impression was that it would be the coming reformatory.

Mr. L. A. BIERLY, of Maryland, wanted to know what conclusion they had arrived at, whether bolts and bars should be taken down or not. If that could not be done, he thought there should be a declaration to that effect. Men should go into the work of reforming youth with the love of Christ in their hearts, and their hearts in the work; that would have an influence over the children that would accomplish good.

Rev. A. D. HENDRICKSON, of Wisconsin, said their school had been in operation eleven years. They commenced with the congregate system, but, their building having been destroyed by fire, they erected the new one with a view to the adoption of the family system. By order of his board, he had traveled, observed and studied both systems in most of the states, and noted their respective advantages and disadvantages. He quite agreed with Dr. Hatch, that it depended less on the system than on the man. They had five buildings, with an average family of forty in each. They had 180 acres of land, with perhaps fifteen devoted to a garden; and their boys worked on any part of the farm without

an overseer. They often sent a boy fifteen miles by himself. There was a county fair ground in the neighborhood, which included some twenty acres, and for three successive years they had taken all the boys on the ground, and they mixed up with the crowd just as others did. The average age of the boys was over twelve years; some were eighteen, nineteen, twenty years old. There was nothing to prevent them from going out of the fair ground; but they had always returned at the proper time.

Mr. CHARLES THOMAS, of Ohio, had been requested to state how they managed the house of refuge in Cincinnati. When they invited this congress to the city, they hoped that they would receive information in regard to the treatment of the unfortunate class that came under their care, and he thought they had.

Mr. Brockway's paper recommended that these institutions should be in the hands of a board of guardians or trustees. He would say that the house of refuge had already done that, and the directors could receive and discharge as their judgment dictated, and also had power to give to the grand jury a recommendation that they be sent there without being stamped as criminals. These systems were good for nothing unless their superintendents and directors felt a sympathy for those under their care. He had visited many institutions, but the reformation produced did not yet come up to the standard he thought it should. In Cincinnati they had a board of nine directors, so appointed as to avoid political or sectarian influence, and from four to six of them visited the institution every week. There was no child brought into the institution that did not pass through the hands of the directors as well as of the superintendent, and it was made their duty to examine into the commitment and characteristics of each child. They asked the child some simple questions, and finished by asking him if he was disposed to be a good boy. If he said yes, they asked him if he would help them to make him good. They said to him that if he went out upon the play ground and heard other boys using bad language, they wanted him to act upon his own judgment of right and wrong, and not follow bad examples. They did not lose sight of that child, but kept their eye upon him, and sought in every way to co-operate with the superintendent in the effort to reform him.

The question drawer was here opened, and the following ques-

tions were read, to which brief answers were returned, the speakers being limited to one minute.

Question: How far may prisoners be permitted to read newspapers?

Dr. WINES: The newspaper is a great instrumentality of education. It has been earnestly advocated upon this floor that prisoners should be educated. I am in favor of a newspaper prepared expressly for prisoners, from which every thing not proper for their eye should be excluded. In my view, prisoners ought to be informed of the current events of the day, to prepare them to meet successfully the battle of life when they go out.

Mr. BROCKWAY: We all know that two-thirds of the reading in newspapers consists of accounts of crimes and outrageous transactions that no decent man ought to read, and, least of all, prisoners. I am opposed to putting such newspapers in the hands of prisoners, but am in favor of giving them all the information desirable, in the form however of lectures, which I think a more instructive method.

Question: If criminals can be universally trusted in prison, why should we have bars and bolts to keep them out of our homes and stores?

Dr. WINES: They cannot be universally trusted.

Question: Is the objection to committing prisoners charged with offences to district prisons, intermediate between the common jail and the state prison, well-founded or imaginary?

Mr. HARLOW: I think it imaginary. In Maine, we propose to get rid of county jails, except for the safe-keeping of prisoners awaiting trial.

Mr. BROCKWAY: Prisoners convicted of crime should not be imprisoned in the same place as those who are only charged with crime.

Dr. WINES: I have heard of no such objections as the question assumes.

Question: Can the sexes be separated and reformed just as well in the same institution?

Answers from many voices, "no, no," "yes, yes."

Question: Does the criminal, according to law, really forfeit any right?

Mr. ALEXANDER: The convict forfeits so much of his personal liberty as is necessary to keep him from preying further upon his fellow men, together with all rights incompatible with the enforce-

ment of this forfeiture. Beyond that the prisoner's rights are as anabridged as yours or mine.

Dr. WINES: Hardly; for in that case you would have no right to the prisoner's labor.

Question: Is there any reason why the labor of able-bodied men should not cover the entire expenses of a prison?

Mr. ALEXANDER: Every able-bodied adult convict should be self-supporting, and should contribute his share toward defraying the common expenses of the institution.

Question: What is the best method of pardoning?

Dr. WINES: My opinion is, that the best plan is to permit the prisoner to pardon himself as the effect of reasonable evidence of reformation under indefinite sentences.

Adjourned.

EVENING SESSION.

The congress was called to order by the PRESIDENT at 7½ P. M., and opened with prayer by the Rev. Mr. SPAULDING.

Mr. SANBORN, of Massachusetts, offered the following resolution:

Resolved, That each system of juvenile reformatories has its merits, and may be used to advantage, but this congress expresses no preference for either the family or the congregate system; that the important agency for reformation is found in warm-hearted, clear-headed men and women who, in the spirit of Christ, wield their kind personal influence for this end.

Mr. SANBORN thought that the question had been fairly presented in the papers and discussions. He himself thought that the family system was the best in the majority of instances, but that, under some circumstances, the congregate system was to be preferred.

Rev. Mr. SHELDON, of New Jersey, characterized the resolution as a timid, milk-and-water proposition. It had been shown by the papers read, that men held positive views on this question, and there ought to be a positive expression of sentiment by the congress. He concurred in the view that there might be circumstances in which the congregate system would be best; but he thought them altogether exceptional. Let the congress declare its sentiment positively, boldly. If it was in favor of the congregate system, let it say so; if of the family system, let it do the same. For himself, he did not like a caution that was synonymous with timidity.

Mr. HARLOW, of Maine, said that he came to the congress with-

out personal knowledge of the subject, but was satisfied, from the statements and reasonings of gentlemen, that the family system was the best. He would therefore move to strike out all after the word "resolved," and insert the following:

That this congress expresses its preference for the system known as the family system, in conducting juvenile reformatories.

Gov. BAKER: I move that the substitute be laid on the table.

Mr. COFFIN, of Indiana, was an enthusiastic admirer of the family system, and they had introduced it into Indiana and thought it *the* system, but he knew excellent institutions conducted on the other plan, and believed that there were conditions under which the family system could not be carried out. He would vote to lay the amendment on the table.

The substitute was laid upon the table, and the original resolution was then adopted.

The Rev. Mr. FISK, of New York, read a paper communicated by Miss Mary CARPENTER, of England, on the responsibility of parents for the support of their children while inmates of reformatories.

For Miss CARPENTER'S paper, see page 372.

Mr. ALEXANDER, of Missouri, characterized the paper of Miss Carpenter as able and exhaustive, and he was gratified that the question raised by it had come before the congress. It was not to be doubted that society had the right to exact of parents the education of their children. If the parent refused, the state might take the child from him, put it to school, and compel him to pay the bill. Now, if parents were bringing up their child to a vicious course of life, so that it was a continual menace to the security of society, there was no good reason why we might not arrest that course in its incipiency. The law said, that where a man threatened my life, I am not required to wait until he has drawn a bead on me, and if I take his life, it will be called, and it is, justifiable homicide. If that logic was sound, it would involve this consequence: if a child was found in the street, abandoned to vicious courses, without restraint from its parent, society might take such child and educate it properly, and say to the parent, if he were pecuniarily responsible: "You shall support that child — first, because you have shown yourself incompetent or faithless to manage it; second, as he is your child, we do not release you from your natural obligation as his father."

Gardiner Tufts, of Massachusetts, then read a paper on the "Family visitation of the wards of the state, as practised in Massachusetts."

For Mr. Tufts' paper, see page 359.

Mr. Pierce, of Massachusetts, supposed that, while the visitation of the wards of a state might have been practised at other times, this was the first instance known to him in which it had been reduced to a regular system. He did not rise particularly to commend what had been said, but there was one point to which the paper had not called attention, with which they had considerable to do, and that was, incompetent magistrates.

Mr. Shipley, of Ohio, said that, in their children's home in Cincinnati, they were continually crippled in their work because those who were in authority would not respect the labors of private individuals. He knew a case of one judge within a few months, who, in answer to a case coming before him, said he did not care what the law was; a mother's claim was above all law. He was pleased with that part of the paper recommending depriving the judge of such power. He remembered having heard of a little child, who was asked what made a certain tree crooked. He replied, that some one had trod on it when it was little. He thought that some one had trodden on most of the inmates in these reformatories. He said that there was drunkenness among children of six or eight, and prostitution of girls of twelve or thirteen years. He hoped that other states would follow the example of Massachusetts, and that gentlemen present who were connected with prisons would see the importance of this object, and seek to have a similar law incorporated into the legislation of their states. He was glad there was one law on our Ohio statute book with reference to the care of children, which was, that the county commissioners have power in every county to establish homes for poor children and authorize a special tax for these homes, and appoint a board of trustees to take care of them without compensation.

On motion by Dr. Wines, it was

Resolved, That a committee of five be appointed to superintend the publication of the proceedings of this congress.

The chair appointed on the committee Drs. Wines, Dwight and Peirce, of New York, Mr. Sanborn of Massachusetts, and Mr. Brockway of Michigan.

The congress adjourned until 9 A. M., next day.

FOURTH DAY.

Saturday, October 15th, 1870.

The congress, having accepted an invitation from the Common Council of Cincinnati to accompany the members on a visit to several of the public institutions of the city, met in the hall where their sessions are held at 9:30 o'clock, A. M. President HAYES called the assembly to order, and prayer was offered by the Rev. Mr. SHEPARD, chaplain of Auburn prison, N. Y.

The president invited Dr. HATCH, of Connecticut, on the platform. The house became instantly hushed. All the members appeared to anticipate something of an exciting and interesting character; one member alone remained ignorant of what was about to happen, though destined to be the leading figure in the scene. Dr. HATCH then spoke as follows:

Mr. President, Ladies and Gentlemen of the Congress: I do not propose to occupy much of your time this morning. It would be unbecoming in me to detain you with any extended remarks, when the day is to be given to enjoyments of another and more pleasing character. Still, I must beg your indulgence while I occupy a moment in congratulating the congress on its work and its success so far — the former, worthy of the earnest men and women who compose it; the latter, more than equal to our highest expectations. This beautiful morning is auspicious; the anticipated pleasure of the day brightens all faces; the perfect harmony that has marked our deliberations, and the truly conservative and christian spirit of the congress, afford abundant cause for gratulation and rejoicing. I am sure, sir, that it must be a source of gratification to us all that, while every member of this congress has had positive convictions on the various subjects discussed, and has given the freest utterance to them, not one has obnoxiously intruded his opinions, or pertinaciously insisted that his should be entertained to the exclusion of others. Thus you refused yesterday to say that you thought the family system superior to the congregate, or the congregate to the family; but, recognizing the good in each, you extended the right hand of fellowship to both, and bid them God-speed in the work of humanity.

On one subject, Mr. President and gentlemen, we are all agreed, and that is, on the subject of corporal punishment. We are of one mind that it should be rarely inflicted; that only in extreme

cases should it be resorted to, and that then it should be used with the greatest judgment. But, Mr. President, the members of this congress think that they have found a case that justifies them in the use of the cane, and they have designated me as their executive in this business, and have instructed me to inflict on the honored secretary of this congress, the Rev. Dr. Wines, a *good sound caning*. I shall proceed to discharge my commission, sir, most heartily; and not only shall I use the cane with a will, but the instrument shall be a heavy gold-headed cane.

Then, turning to Dr. Wines, toward whom all eyes were directed, he continued:

Dr. Wines: The members of this congress feel that they are indebted to you, more than words can express, for this delightful occasion. From its inception to the present moment, you have been the inspirer, the director, and the mainspring of the movement. It is you, sir, who have brought this congress to the present point in its history; it is you who have given it the great success of which we are all so proud, and which augurs so much good to the cause which we so much love. I feel incompetent, sir, to the task assigned me. No words within my command can express the sentiment which this congress entertains toward you. You have not only won our admiration by your energy and zeal in the cause of prison reform, but you have won all our hearts by the spirit of kindness and love which you have manifested to us here. I am delegated, sir, by the members of this congress, to present to you, as a slight token of their love and esteem, this beautiful cane, engraved with a suitable inscription, and ask your acceptance of it as a feeble but sincere expression of their esteem and friendship. Every person in this congress is ready to do for you what we trust this staff will do — be a companion and helper to you in your arduous labors, a *true friend*, a firm support, on which you may confidently lean.

We hope, sir, and we accompany our hope with our prayers, that you may be long spared to use this staff, and, in the coming years, may it be full of memories pleasant and grateful to your spirit. May it remind you of these loving friends, and these delightful associations. And, sir, as your footsteps shall go down the vale whither all our steps are tending, may the Angel of the Covenant accompany you, and the dear Saviour be your guide and support; and when your feet shall stand on the shore from which there is no

return, may your ears be greeted with the blessed welcome, "Well done, good and faithful servant."

Accept again, dear sir, with this cane which I place in your hands, for yourself and your wife, who has gratified and honored us with her presence, the best wishes and kindliest congratulations of this congress.

To the above address, Dr. WINES, with evident emotion, made the following response:

Dr. Hatch: You overwhelm me with this unexpected and beautiful gift, and the too flattering terms in which it has been conveyed. I am profoundly moved by such a token of the friendly regard of this body, and by the words with which you have accompanied the present; and cannot adequately express the grateful emotions which both have awakened in my breast. The gift is valuable intrinsically; more valuable because of my crippled condition, the effect of a broken limb; but most valuable from the feelings which prompted it — these, indeed, are far more precious than the massive gold by which it is surmounted. While the material staff will support my steps, ere long to be made tottering by age, as well as by the misfortune to which I have alluded, the sentiments out of which it sprang will be a moral stay in many an hour of toil and weariness, while laboring for the promotion of the great cause which has brought us together in this queenly city, and in which we all feel so deep and warm an interest. Ladies and gentlemen of the congress, again I beg you to accept the gratitude of my heart, of which the best words that I can choose are but a feeble and most imperfect expression.

At the conclusion of these services, and on the adjournment of the body, the members, both ladies and gentlemen, crowded around the doctor to offer their congratulations, and many a hearty hand-shake attested the sincerity and fervor of the regard, of which they were the token and the expression.

The congress was again called to order by Dr. A. E. JONES, of the common council committee, to announce the order of the day, viz.: that the delegates would first visit Longview insane asylum, seven miles distant; thence they would be driven to Spring Grove cemetery; thence to the house of refuge; thence to the workhouse; and thence return to the city to visit the industrial exposition. The above programme was carried out to the letter, evidently to the great delight of the whole company, consisting of

over one hundred of the members of the congress. At the work-house, an elegant and substantial collation was spread, which was not less enjoyed than the other good things, which the day's excursion had offered to the city's guests.

Fifth Day.

Monday, October 17th, 1870.

MORNING SESSION.

The congress re-assembled at 9 o'clock A. M., Governor Hayes in the chair. The session was opened with prayer by Rev. C. Briggs, D.D.

Mr. Brockway, of the business committee, reported back the following resolution, which had been referred to the committee, with a recommendation that it pass, viz.:

Resolved, That it is the sentiment of this congress, that the great principles of christian love and kindness should be applied to the utmost extent practicable in the management of our prisons and reformatories.

The resolution was adopted.

The business committee, agreeably to instructions previously given, reported the following paper on the subjects of light, diet and discipline in prisons:

1. Light.—In the construction of prisons, provision should be made for supplying sunlight to the prison apartments, to the same extent as to apartments occupied by citizens generally. Artificial light for the purposes of study should be furnished at evening for reasonable hours to all prisoners who can be induced to use it. A separate light in each room is the best plan.

2. Dietaries.—The food for adult prisoners in state prisons should be of sufficient quantity to maintain satisfactory physical conditions. The demands of prisoners as to quantity and quality should not always govern the supply, for they should be required to use food economically — to waste nothing — and the best criterion of their needs in this particular is not their own notion, but their observed physical condition. Experience teaches that, with improved conditions as to health and mental development, the appetite demands and the system requires a better quality and greater variety of food than is now usually supplied to prisoners. In a graduated series of establishments, different dietaries must be

ntroduced, and they may be made a means of reformatory progess among the prisoners.

3. Discipline. — The infliction of physical pain upon persons hould always be for the purpose of securing obedience in the uture, and never to satisfy offended dignity, to mend a broken ule, or (except in extraordinary circumstances) to produce an npression upon other prisoners. It should be done privately and eliberately, and with regard to the restoration of the prisoner to ight relations, with his self-respect and manhood remaining. The ommon use of the "dark cell" should be changed, by the introuction of light and by requiring the prisoner to maintain a tanding position for a few hours only, when he should be released nd taken to the ordinary cell for the night, and returned to the anding position in "solitary" after breakfast each morning, day y day (if he is sane and morally responsible), until he consents eartily to the just authority of the officers.

Gen. Pilsbury, of New York, said that he had but one objecon to the paper. It seemed to him that it would convey the npression that prisons, heretofore and at the present time, did not ive their prisoners a sufficient quantity of food. From his obserations, he believed that, as a general rule, they were given all ıey could eat, of good, nutritious, wholesome food. He would ıvor variety in the food supply, but was not in favor of giving ıem luxuries.

Rev. Mr. Shepard, of the Auburn prison, said he was glad that ıis subject was embraced in the paper reported. The dietary in is prison was all that it ought to be, in quality and quantity. 'hey had been using corn bread at every meal, but found such onstant use not healthy. Fresh wheat bread was now furnished aily, and the crusts used for making coffee. The dinner was aried every day; breakfast consisted of a good hash, made of eef and potatoes or carrots, and coffee and bread in abundance. 'heir supper was either bread or hominy, with molasses in each ıse. A dinner of fish was always provided on Friday.

The paper was adopted.

Mr. Brockway, on behalf of the business committee, said: Mr. 'resident, the committee of arrangements prepared and published, ; an appendix to their programme of exercises, an extended paper nder the title of "Principles of Prison Discipline, suggested for onsideration by the National Congress." The business committee

have condensed and otherwise amended that paper, and now respectfully submit it to this body as a declaration or platform of principles, and recommend that it be adopted and promulgated as such.

The paper was accepted, ordered to be printed, and laid upon the table for future consideration.

The Rev. Mr. FESSENDEN, of Connecticut, offered the following, which was passed:

Resolved, That every able-bodied adult convict should be required to be self-supporting, and that such self-support should be held to embrace each convict's share of the common expense of the institution.

Dr. WINES submitted the following resolution:

Resolved, That this congress will close its sessions, and adjourn *sine die*, on the evening of Tuesday, the 18th instant.

Adopted.

Dr. WINES also proposed, and the congress adopted, the following

DECLARATION:

This congress, while recognizing the ability and value of the papers furnished by writers, both at home and abroad, cannot assume responsibility for every sentiment and utterance therein contained. The congress holds itself responsible only for the principles and acts sanctioned by a formal vote of the body.

Gov. BAKER, of Indiana, presented the following paper, which was adopted:

Resolved, That a special committee of five be appointed by the president to consider the expediency of inaugurating steps looking to the speedy organization of a permanent national association for the promotion of the following objects, viz.:

First: The amendment of the laws of the several states in relation to public offences and offenders, and the mode of procedure by which such laws are enforced.

Second: The improvement of the penal, correctional and reformatory institutions throughout the country, and the management, government and discipline thereof, including the appointment of boards of control and other officers.

Third: The care of, and procuring suitable and remunerative employment for, discharged prisoners, and especially for such as may or shall have given evidence of a reformation of life.

Resolved, That said committee report the result of their deliberations to this congress at the earliest practicable moment.

The following gentlemen were appointed on the committee: governor BAKER, of Indiana; governor HAINES, of New Jersey; Hon. Mr. SMITH, of Maine; Hon. Mr. WELKER, of North Carolina; Hon. Mr. WHITE, of Kentucky.

Dr. WINES, of New York, read a paper on an International Congress on Penitentiary and Reformatory Discipline.

For Dr. WINES' paper, see page 253.

Mr. BROCKWAY, of Michigan, said that he presumed there would be no dissent from the suggestions and propositions of the paper just read, and he would therefore submit the following resolution in relation thereto:

Resolved, That it is the sense of this congress, that the time has come when an international congress on penitentiary and reformatory discipline may be called with promise of good results, and that the subject be referred to the committee on a national prison association, with instructions to report, as soon as may be practicable, the measures requisite to carry this design into effect.

Adopted.

Rev. C. C. FOOTE, chaplain of the Detroit house of correction, read a paper on "The Importance and Power of Religious Forces in Prisons."

For Mr. FOOTE's paper, see page 185.

The discussion on this paper was opened by Rev. P. DOLL, agent of the prisoners' aid association, Baltimore. He would ask, "Have we an immutable basis for a prison discipline?" He thought we had, and he found it in the principles of the New Testament. The spirit of our prison administration must be the spirit of the founder of christianity. Some of these divine principles were general, others specific. One of them was, "Bear ye one another's burdens;" and that was declared to be "fulfilling the law of Christ." When the civil law had exhausted its forces, the lawof Christ came in and laid its grasp on the prisoner. He feared that that law was not sufficiently recognized by the administrators of prison discipline. The poor prisoners were kept too far from the cross. They were terrified by the thunders and dazzled by the lightnings of Sinai, but were kept too far from the tenderness and love of Calvary. His suggestion was, that they should be brought nearer to the cross, and to Him who there expiated the guilt of the convict

equally with that of earth's noblest and greatest. Some would make the civil law supreme; but his view was, that the law of Christ should have the supremacy.

Mr. GEORGE F. DAVIS, of Ohio, said that it seemed to him that there were two extremes on the subject of prison discipline. Some appeared to think the main object was to make prisons a source of revenue. Others, it seemed to him, would make the prison a kind of monastery — a house of piety. Now, neither money nor pietism was the object of prison discipline. The first thing a prisoner should be made to feel was, that he had violated the law, and that the broken law must be vindicated; and the next thing to be taught him was, that if any man would not work, neither should he eat. The men in prison belonged to the state, and should earn their living by the sweat of their brow; yet the law of love and kindness should be the ruling principle in the prison. He did not believe that the man who tried to hammer religion into his children at breakfast and dinner and supper, would succeed in his object. Neither did he believe that the man who was hammered thus the moment he came into prison was going to be made instantaneously religious. Religion must be wrought into him by the labor of love, by kindness and good example.

We could not take these men and make perfect christians of them at once. The process would be like clearing new ground; the stumps and sprouts would remain a long time. Both extremes were to be avoided. Let us make our prisoners earn their own living; let us seek to lead them to goodness by gentle arts; but let us not attempt to hammer religion into them as one would hammer a nail into a beam. The priest's treatment of Jean Valjean in Les Misérables of Victor Hugo, was an example of preaching of more value than sermons. We must use common sense in dealing with prisoners.

Rev. W. J. SULLIVAN, chaplain of the Southern Indiana state prison, said that it was no longer a problem to be solved, whether or not convicts could be made good men and fitted for society. Facts proved that they could. In the Southern Indiana prison, God had favored them with the clearest manifestations of his power to save, and given undoubted demonstrations of his willingness to restore the fallen and lift up those that were sunk to the lowest depths of sin. Scores, he believed, had been the subjects of renewing grace in that prison. He could name numbers who had been converted

there, and had continued, since their discharge, to live honest and honorable lives.

Rev. Mr. QUINBY, of New Hampshire, said that he believed in common sense no less than the gentleman who had addressed them before the last speaker. He thought most chaplains possessed some of that article. No doubt the chaplain should go to those men, and let them understand that they were violators of the law — though many a man in the state prison was no more a violator of the law than many who walked the streets to day, with head erect. The speaker then related the case of a very passionate prisoner, who had to be punished almost every week for his bad conduct. He was approached and reasoned with, and urged to try to do better. But the convict thought it was of no use; he was too far gone. At length he was induced to try, and began to attend sabbath school and religious meetings, and the result was, that in a short time the man ceased to violate the rules of the prison, and it was now two years since he had been punished. Other illustrations were also given showing the power of religious truth, the speaker insisting that common sense must always be mixed with religious advice and instruction.

Capt. M. L. ELDRIDGE, of Massachusetts, thought the members of the congress were not very far apart in their views on this subject, if they but understood each other. Religion was a mighty power in prisons; nor did it stop with the prisoner who was brought under its controlling influence. It had a salutary effect upon the entire prison; and even the officers were sometimes affected by it. Paul and Silas, in the jail of Philippi, were an illustration. He believed, however, that the religious teacher's example had a greater influence than his teaching. He must be a *living* epistle, "known and read of all."

Rev. B. W. CHIDLAW, of Ohio, said he was a firm believer in the power of the principles of religion to save and reform the worst of our race. It was his privilege, a few sabbaths ago, to visit a prison where these principles of religious truth were at work, and his heart was cheered with what he saw and heard. In that prison of a thousand prisoners he found the warden and directors in perfect sympathy with the chaplain, and all working for the improvement of the inmates. If ever he had felt God's power, it was within those prison walls. The result of the influence of these religious forces had caused a great reduction in the

offences committed in violation of the prison rules. He attended the prisoners' prayer meeting, where more than two hundred were present, and thirteen of the prisoners took part in the exercises.

Rev. Mr. SHEPARD, of New York, said that, as chaplains, they had in their state all the liberty they could ask; very few obstacles were ever thrown in their way. He kept a record of the names of those who professed conversion and reformation, and for the past year he had been noticing their conduct, and whenever he had heard of any punishment being inflicted upon the prisoners for offences committed, he looked over his list to see if any of their names were on it, and he was gratified to be able to state that, during the whole year, but one whose name was upon that list had been punished for a violation of prison rules.

Mr. ALEXANDER, of Missouri, said the moral dynamics were not one, but many, and he who singled out one as his only instrument to work with committted a grave and hurtful error. The influence of religious truth sometimes depended more on the manner than on the substance of the teaching. There were other reformatory forces, besides those of religion, that were not to be discarded. Labor was one, and he held that there was no tonic like a horny hand. The school, the library, the lecture, an occasional feast, an hour's social intercourse and play, were others. Religious truth had its place; religious lessons must be given; but other forces should not be overlooked.

Mr. HARLOW, of Maine, thought there were some present who did not believe in the power of religious forces; if there were any who had doubted them before, they certainly could not remain so after what they had heard in the paper and the discussion elicited by it.

Dr. WINES read a paper on the Port Blair Penal Settlement in India, communicated by Mr. F. A. ROEPSTORFF, an officer of the settlement.

For Mr. ROEPSTORFF's paper, see page 159.

The next paper read was by Rev. J. L. MILLIGAN, chaplain of the western penitentiary of Pennsylvania, on the subject of Executive Pardons.

For Mr. MILLIGAN's paper, see page 422.

Rev. Mr. FESSENDEN, of Connecticut, thought that the pardoning power should be vested in the state executive, subject to certain restrictions. He said that it was understood and granted by

all that the pardoning power must exist somewhere, as a means of rectifying mistakes and holding out a prospect to the convict that his good conduct would in some way affect his condition. This power, in his state, was vested in the legislature, and he thought it was a failure there. Their plan was about this: A committee appointed by the legislature visited the state prison, and the convicts who desired pardons had their cases brought before this committee, and were represented by legal counsel. These lawyers sometimes became mere pardon brokers. When a man sought a pardon, he came before that committee with his wife, his friends and his counsel, who set forth his case and urged his suit. The committee then reported to the legislature, often making moving appeals to the members, working upon their sympathies, and thus not unfrequently securing a pardon to applicants entirely unworthy. In Rhode Island, this power was vested in the governor and senate jointly. He thought that plan open, in part, to the same objections. Sometimes the power was vested in a board, like that referred to in the paper, as found in New Jersey. Mr. Brockway had proposed a board of guardians, to be "loaded with power" — and this among others — but he did not believe they were going to get any such board to work all their life-time for nothing.

Gov. HAINES, of New Jersey, said that some things in the paper met his approval, while others did not. When the power of pardon rested with the executive, he concurred in the opinion that he should make full investigation into all the circumstances. Where a man was imprisoned wrongfully, to use the term pardon in his case was a misnomer, as he had been guilty of nothing for which he needed pardon. From his own experience, he had come to the conclusion that when a man was sentenced to the penitentiary, it should be understood that, as a rule, the sentence would be carried out, subject to such abbreviations as might be earned under a commutation law by good conduct. If there was any error in the proceedings, or any thing that demanded re-investigation, let such re-examination be had, but when a convicted person was once sentenced, he believed it best that the punishment should first be just, and then that the prisoner should be required to serve it out. He related several instances, where certain convicts who had been sentenced to rather short terms and were pardoned out through the efforts of friends, were soon returned to the penitentiary for the same offences, and some of them several times.

His plan would be to vest the pardoning power in the governor, subject to the revision and approval of the chancellor and a board of councillors selected from the judges of the various courts of the state.

Rev. A. D. WILSON, warden of state prison of Missouri, thought that the governor had so many things requiring his attention that he could not make the investigations necessary to a discreet use of the pardoning power. Again, from the fact that the governors of our states were changed so often, he thought they could not acquire proper acquaintance with the men applying for pardon, their antecedents, character, claims, etc., to always decide wisely on the question of granting or denying the application. He thought there should be an officer specially appointed for the purpose, whose term of service should continue ten years, or more.

The congress then adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

The congress convened, agreeably to adjournment, at 3 o'clock P. M.

Gov. HAYES having been called away by official duty, and being consequently unable to longer occupy the chair, Gov. BAKER, one of the vice-presidents, by request of the congress, took his place, and the session was opened by prayer.

Gov. BAKER, in behalf of the committee on the formation of a national association for the promotion of criminal law reform and penitentiary and reformatory discipline, to whom had also been referred the question of an international prison reform congress, submitted two reports — one on each of the topics referred to them.

Laid over for future action.

The Rev. J. B. BITTINGER, D.D., of Pennsylvania, read a paper on The Responsibility of Society for the Causes of Crime.

For Dr. BITTINGERS' paper see page 278.

Mr. PIERCE, of Massachusetts, thought the paper an able one, but he would offer a remark or two upon it, though not in the spirit of criticism. It was easy to say that intemperance was the cause of about all the crime that existed. He did not think so. Burglars were generally temperate men, and so were some other classes of criminals. He thought intemperance was rather an attendant of low life than a cause of crime. Many criminals were in the habit of

using tobacco. Was the use of tobacco to be set down as among the causes of crime? Greater effort should be made to prevent crime; he thought this could be done to a considerable extent by giving better amusements. Let public lectures and musical concerts be given; let parks and beautiful promenades be provided for the poor, and for all classes; and let there be public free libraries, not only in the cities, but in the smaller towns also. He had been shown private residences in Cincinnati that were said to have cost $300,000. He did not approve of such lavish expenditures in that way. It would be much better for society, if a portion of those vast amounts expended in useless show, for the gratification of pride, were used in some of the enterprises he had named, to benefit the race. We did not practically understand the principles of human brotherhood. The great want in society was a want of sympathy between the richer and the poorer classes.

Judge CARTER, of Ohio, avowed himself a radical on prison discipline. He favored the abolishment of prisons, and the use of greater efforts for the prevention of crime. He believed they would come to that point yet. When women exercised the right of suffrage, and sat as judges and representatives in our halls of legislation, we would come to that. He had remarked, on a previous evening, that banishment should be used instead of imprisonment. Any system of imprisonment or punishment was degradation, and could not reform a man. He would abolish all prison walls, and release all confined within them. He argued that intemperance was not the cause of crime, never had been, and could not be. If intemperance brought men into crime, it was the mere antecedent, and not the cause. Houses of prostitution were not causes of crime, but merely the antecedents and resorts of crime.

Rev. JAMES WOODWORTH, of California, dissented *in toto* from the last two speakers. Those gentlemen had offered neither facts nor arguments in support of their positions, but mere *dicta*. The disciples of Pythagoras did not pretend to support their opinions by reasoning; it was enough if they could say *ipse dixit*. He did not believe that his friends would find the members of this congress so easily persuaded. For his part, he would not ask — and if he did, he would not expect to receive — their concurrence on any such ground. He would give the reasons for "the faith that was in him." The New York prison association had been

studying this question for a quarter century, and they told us that seven-eighths of the crimes committed were due, directly or indirectly, to rum. Thousands of criminals had been personally interrogated by them, and more than four-fifths of them ascribed their criminal career to this cause. Did not *they* know? The Rev. Mr. Kingsmill, late chaplain of the Pentonville prison in London, received statements from one hundred criminals as to what had led them into crime. Twenty said that drink was the *first* cause of their fall, and nearly all placed it among the other causes. Were *they* ignorant of the occasions of their own relapses? Mr. Brockway had investigated the cases of 100,000 convicts, of whom he told us eighty-two in every hundred were intemperate. General Pilsbury's statistics were to the same effect. He had not the figures before him, but he was sure that more than half, he believed three-fourths, of those committed to the Albany penitentiary were recorded as intemperate by their own confessions. Yet it was claimed and asserted, that drink was not a cause, but a mere antecedent, of crime. Where was the proof of that? None had been given. He called for proof, and would be satisfied with nothing short of it. He held — and he believed the principle was admitted by philosophers — that a uniform or even general antecedent of a fact was entitled to be regarded as the cause of that fact. He would come now to his own inquiries and their result. For five years he had, as the secretary of the California prison commission, been visiting prisons of all classes, and conversing with prisons officers, criminal judges and members of the police — with all, in short, who were in any way connected with criminal administration, whether in the department of arrest, trial or punishment — and from all the information he could obtain by his personal observation and the extended intercourse to which he had referred, he was satisfied in his own mind that a very large part of the crimes committed might be traced to intemperance. He thought nineteen-twentieths of the inmates of their state prison were there as the result of liquor. He would not say, indeed he did not think, that half of them were habitual drunkards; yet they were sent there for crimes committed while in a state of intoxication. Many persons, by associating with criminals who were in the habit of drinking, were led into crime from such association in the dram-shop; so that, taking into account all these influences, it was not too much to say that nineteen-twentieths of the crimes of his

state were the result of the liquor traffic, and if the grog-shops could be suppressed, though men would not thereby be made saints, yet he fully believed that out-breaking crime would, in great measure, disappear.

Rev. R. C. CRAWFORD, chaplain of the state prison of Michigan, could not agree with his friend Judge Carter in the propriety of abolishing all prison walls, and turning prisoners out on a large farm. We had all concluded now to keep them at work inside of the walls, with the guards to help us. He believed the men in most prisons were treated humanely. He had no doubt that liquor was the cause of much of the crime committed. He had read letters from the sisters, wives and brothers of these convicts, telling them that if they had taken their advice, and let liquor alone, they would never have been in the penitentiary. As to the other subject spoken of, he knew that a large majority of the men in our penitentiaries had been mixed up with houses of prostitution, and they carried the marks of it to-day. He believed in calling things by their right names, and, until we regulated society by putting our hands on these causes of crime, we would have their bitter fruits in crimes committed and in penitentiaries for the restraint of the criminals. Gentlemen might say that they cannot stop the liquor traffic by law, but it was done effectively in Michigan, where they had back-bone enough to enforce such a law. They anticipated the day, and expected it soon, when Michigan would proclaim herself free from that curse; when she could proudly say that the law was enforced throughout her entire territory.

The report of the committee on a national prison association was here taken up, considered, adopted, and is as follows:

The special committee having charge of the resolutions* directing them to consider and report as to the expediency of inaugurating steps looking to the speedy organization of a permanent national association for the promotion of the objects named in the said resolutions, beg leave respectfully to report, that they have considered the resolutions as fully as the limited time allowed for the purpose would permit; and the result of these deliberations is a belief, on the part of your committee, that the time has arrived for the inauguration of such a movement as the resolutions hereinbefore referred to contemplate. Your committee, without detailing the reasons which have brought them to this conclusion, report the

* See page 502 for the text of the resolutions.

following resolutions, and respectfully recommend the passage thereof, viz.:

Resolved, 1. That a committee of ten be appointed (of which the president of this convention shall be chairman) to prepare a plan of organization for such an association as is foreshadowed in the resolutions referred to them; and that said committee take the proper steps to secure the passage of an act by the legislature of either New York, Pennsylvania or Ohio, providing for the incorporation of such an association, and for its permanent establishment on a sure and liberal foundation.

Resolved, 2. That, when a charter shall have been procured for said association, said committee of ten be authorized to proceed to organize said association, and to procure additional members thereto after its organization, and to call the first meeting of the association at such time and place, in the state which may have granted the act of incorporation, as said committee may designate; and that said committee invite all persons wishing to become members of said association, or friendly to its objects, to attend such first meeting thereof.

The president — Gov. BAKER — appointed on the committee called for by the first resolution the following gentlemen, viz.:

His excellency Gov. R. B. Hayes, of Ohio;

Hon. James G. Blaine, Speaker U. S. House of Representatives, of Maine;

Hon. Daniel Haines, of New Jersey;

Hon. Theo. W. Dwight, LL.D., President of Columbia College Law School, New York;

Gen. Amos Pilsbury, Superintendent of the Albany Penitentiary, New York;

F. B. Sanborn, Editor of the Springfield Republican, of Massachusetts;

E. W. Hatch, M. D., Superintendent of the State Reform School of Connecticut;

Charles F. Coffin, President of the Board of Control of the House of Refuge, Indiana.

Z. R. Brockway, superintendent of the Detroit House of Correction, Michigan;

Hon. G. Wm. Welker, President of the Board of State Charities, North Carolina.

To the committee, as thus constituted, was added, on motion by Dr. Wines, his Excellency Governor Conrad Baker, of Indiana.*

It has been stated that the committee on a national prison association had two subjects referred to them, and that they submitted two reports. The second report was now taken up, and is as follows:

The resolution relating to an international prison congress was also committed to the committee on a national association, with instructions to report how the design might be most successfully carried into effect. The committee would first introduce a short extract from the paper read by Dr. Wines, out of which grew the resolution which has been referred to us: "Of whom shall the congress be composed? The fact that it is to be an *international* congress, seems to me to involve, as its logical issue, this sequence — that all civilized peoples should be asked to participate in its proceedings. The peoples thus invited would be the several states of the American union; the dominion of Canada; the Mexican and South American republics; the empire of Brazil; all the states of Europe; the Ottoman empire and vice-royalty of Egypt; the French and British colonies scattered over the face of the earth, including British India." The enterprise, in the extent thus indicated, is a vast one, and the work of preliminary organization will be great in proportion. Into the details of this work we do not propose to enter at present, further than to express the conviction that it will be necessary to employ a competent agent or commissioner to visit the legislatures of the several states, and, if possible, induce them to co-operate by sending delegates to the proposed congress; to lay the matter before the several foreign legations resident in Washington, explain to them the character and importance of the movement, and endeavor to so far interest them in its objects as to induce them to speak favorably of it in their dispatches to their respective governments; to visit the several states of Europe, and confer with governments, heads of penal and reformatory institutions, officers of prisoners' aid societies, and also private citizens interested in penitentiary reforms; to organize, through the friendly aid of foreign ministers accredited to our government, national com-

* By the unanimous request of the members of the original committee, Hon. Horatio Seymour, of New York, has consented to become their colleague; and the committee, consequently, now consists of twelve members.

mittees in the several countries and colonies to be represented; to take suitable measures to arrange a programme of proceedings, and to secure able specialists in different countries to write papers upon the questions to be considered; to prepare a condensed but comprehensive report on European penal and reformatory institutions from an American stand-point; to prepare the necessary circulars, conduct correspondence, and do all the miscellaneous work requisite in the preliminary stages of the movement — which must be great, though incapable of exact measurement.

The committee ask to submit the following resolutions, to wit:

1. *Resolved*, That be invited to act as commissioner of this congress in the work proposed, and that his salary be fixed at $ per annum.

2. *Resolved*, That the committee appointed to take charge of the organization of the national penitentiary and reformatory association be requested to endeavor to procure for our commissioner an honorary appointment from the general government, as being likely to secure consideration and facilities abroad, not otherwise attainable.

On motion by Mr. Brockway, the first blank was filled by inserting the name of E. C. Wines, D.D., LL.D., and the second blank, relating to the salary of the commissioner, was referred to the committee on the national association, with power. It was further referred to the said committee, in the contingency of the non-acceptance of the position by Dr. Wines, or of a vacancy otherwise occurring, to fill it by the appointment of some other competent and suitable person; and also to take steps to provide the funds necessary for the prosecution of the work.

The report, thus amended and supplemented, was unanimously adopted.

The declaration of principles was taken up and read. They were then considered *seriatim*, as far as and including the sixteenth. The seventeenth, which declared the contract system of prison labor prejudicial to finance, discipline and reformation, gave rise to considerable discussion.

Mr. Cordier, of Pennsylvania, was opposed to the contract system. He thought it a very important matter whether prisoners learned a full trade or only a part of one, as was the case in the contract system. We wanted to reform criminals. There were two things essential to a prisoner's reformation. He must gain

the *will* to live honestly and the *power* to earn an honest living. The first he always lacked when committed; the second, generally. Both must be given to him in prison; the one, through moral agencies, the other through industrial training. He considered a full trade almost indispensable in this last relation. The contract system was an obstacle to this, and therefore should be swept away.

Rev. Mr. Wood, chaplain of the Northern Indiana prison, spoke in warm terms of the contractors in his prison, as men of high character, and anxious for the moral improvement of the prisoners.

Col. William R. Murphy, of New Jersey, said that where they had a good set of contractors, the contract system did not interfere with the finances or discipline of the prison; but the men were employed in a manner that was useful to the state and beneficial to themselves. The warfare was not so much with the system as with the contractors. He thought it difficult to get the right kind of men; the chances were against it; and, therefore, the system had better be wiped out.

Gen. Pilsbury, of New York, said that, as a system, he was opposed to it; but he believed that contracts for prison labor could be regulated by a competent head so as to obviate the evils which commonly flow from them. He had no trouble with the contractors in the prison of which he had charge.

Mr. Coffin, of Indiana, had great respect for the opinion of prison officers, yet some of us, said he, who are not prison officers, feel convinced that very deleterious effects spring from the system.

Mr. Charles E. Felton, of New York, thought that the system had worked well in Massachusetts, and in the Erie county penitentiary, of which he had charge, they had had no trouble with it. The contractors never interfered with the regulations or discipline of the prison. He thought that where there was any difficulty it was the fault of the man who was at the head of the institution.

Dr. Wines, of New York, said that, in regard to the influence of the contract system in the Massachusetts prison which, it was claimed, was well managed (and he certainly would not contest that point, for he had great respect for its warden and believed he held as tight a rein upon the contractors as anybody could), he had heard the chaplain, if once, a dozen or a score of times, denounce

it in strong terms as at war with the moral and religious interests of the prisoners.

Gen. PILSBURY: Allow me to say that the chaplain of the Massachusetts penitentiary has proved unsatisfactory, and had to leave.

Dr. WINES knew nothing about that; possibly it was through the influence of the contractors that he was removed; but he knew him to be a worthy christian minister, and a man of learning and ability, and that he had filled that office with credit and usefulness for many years; a man who had the good of the prisoners at heart, and worked for it faithfully. Yet he was strongly opposed to the contract system because, as he alleged, it interfered with the most effective discharge of his duties to the prisoners. As regarded the system in the state prisons of New York, it was in many ways objectionable. The contractors were the real governors of the prisons. He thought Gen. Pilsbury would agree with him that, if the contractors combined, they could put out a warden in twenty-four hours. He perceived that the general nodded assent, as he expected he would.

Mrs. LYDIA SEXTON, chaplain of the Kansas penitentiary, by request addressed the congress upon this question. She said it seemed to her that in the Kansas penitentiary this contract system was ruinous to the moral improvement of the prisoners. If twenty minutes or a half hour were desired for moral or religious instruction, the objection was at once made that the men were under contract, and the contractors would lose so much time. She thought there was but little hope of reforming them while they were thus confined to servile labor from early in the morning until late in the evening, without a moment's opportunity to devote to the welfare of their souls. She thought, too, that the policy of employing the roughest men for guards, because they could be had cheap, was entirely wrong. A general renovation should take place in prison officers. If $100 per month had to be paid for good men as guards, she would give it rather than employ roughs for $40. Half of the convicts in their prison were promising young men and boys, and it seemed to her that they ought to be allowed to spend a portion of each day in school, cultivating their minds. Again, she thought that the lack of recreation for the men worked great injury. Day after day, week after week, and month after month, they were marched from their cells to their

work, and from their work back again to their cells, without any variation in their monotonous lives. One man told her if they just had the chance every afternoon of running a foot-race, he could work so much better.

Rev. Mr. QUINBY, of New Hampshire, had strong objections to the contract system, but in some parts of the country it would be difficult to get along without it. He thought the system might be so modified that the contractors would be more directly under the control of the prison authorities.

Pending the discussion, the congress adjourned until 7½ P. M.

EVENING SESSION.

Congress convened at the appointed hour, Governor BAKER in the chair. The platform was again taken up, and a motion was made to strike out the article relating to the contract system.

Mr. QUINBY said that he would prefer to have it modified so as to recommend that contracts should be made only with such parties and on such conditions as would comport with the moral and intellectual interest of the prisoner.

The question being on striking out, the Rev. F. H. WINES, secretary of the board of state charities of Illinois, asked to be allowed to present one point that had not been touched upon in the discussion, and that was the effect that striking out that article might have. In Illinois the contract system had been abolished. The old system was not, strictly speaking, the contract system; it was a leasing system; the farming out of the labor by the legislature. An effort would probably be made at the coming session of the legislature to restore the old leasing system. If this convention should strike out every thing relating to the contract system, and express no opinion in regard to any other, he apprehended that the legislature would cite the action of the convention as an argument in favor of the restoration of that system, with all its abominations. He was satisfied that it would work mischief, and hoped the congress would take definite and proper action in this matter.

Judge CARTER was opposed to the contract system. If the prisons were kept up, he desired to see some system of co-operative labor, by which the prisoners would receive the wages they earned just as if they were at work outside.

Col. BURR, warden of the Ohio penitentiary, said he could not vote for the resolution as it stood, for the simple reason that, as far as it related to the Ohio penitentiary, it was not true. First, it

declared the contract system to be prejudicial to discipline. He could very well understand that when contractors governed the prison, it would be prejudicial, and it was just there where the difficulty complained of seemed to have arisen; but he did not permit contractors to govern the Ohio penitentiary. He said to contractors, and to all employed by them, "You may give the prisoners directions about their work; beyond that, you shall not give them a word."

Question by a member: Do you enforce that order?

Col. Burr: Yes, sir, I do. Again, the article said, or at least implied, that the contract system interfered with the chance of reaching the men by religious influences. In the Ohio penitentiary the contracts all provided that the prisoners should labor for the contractors ten hours per day; but there was a further provision, which allowed the warden, at any time, to take the prisoners off the contract; and that was done, whenever he thought there was occasion. He specified certain occasions when this had been done; and added that the time thus spent was not at the cost of the contractors, but of the state. Again, the resolution declared that the system was injurious to the financial interest of the state. The annual net earnings of the Ohio penitentiary, over and above all ordinary expenses, were from $40,000 to $50,000. He could not himself manage the industries and clear that amount of money. In conclusion, he spoke in high terms of the religious influences in the penitentiary.

Gov. Haines, of New Jersey, was happy to hear that the contract system succeeded in some cases. He had occasion to visit, in the capacity of commissioner from New Jersey, a number of prisons, some of them in New York, and found one or two working under the contract system, that were said to be financially successful; yet, he saw some things in them that were not satisfactory. It seldom happened that contractors did not abuse their privileges. An exceptional case did not govern the principle; the principle itself was wrong. He was convinced, from his own observation, that the system did not work well; he hoped the clause would not be stricken out; such action would convey the impression that they approved the system.

Mr. Brockway, of Michigan, moved the previous question which was carried, and the motion to strike out was lost.

The article was then adopted.

Mr. BROCKWAY moved that the further consideration of the platform be postponed, and the regular order of business be taken up. Carried.

Señor CORTES, secretary of legation for the republic of Colombia, South America, being invited to address the congress, read the following paper:

Mr. President, ladies and gentlemen: Availing myself of the privilege you have been good enough to grant me of addressing you, I beg to do so in order to express my deep sense of gratitude for the kindness and regard shown to me during my visit to this congress, in which you have admitted me as a member.

Very little light could I bring to your deliberations regarding the organization and management of the prisons in my native country. The iron rule of Spain left us as a legacy the most tyrannical ideas regarding the management of prisons. A criminal was an outlaw; and hunger, filth, nudity and insult were his lot. Philanthropists have been struggling for a long time past to change this order of things; and the movement, although slow, is gaining ground. The punishment of death has been abolished for the last nine years, and our national constitution puts a limit to the number of years that a person may be sentenced to imprisonment. The sleeping in separate cells has lately been introduced, and attempts are being made to introduce labor in common.

But, as a rule, our city prisons and country jails are kept in a lamentable state; and if I had time, I could relate to you cases and scenes which would revolt your ideas of enlightened benevolence, and would painfully horrify your feelings. In so doing, my aim would be to rouse your pity and your interest, that you might secure means to extend to us in a more effective way the advantages of your luminous debates and noble conclusions. Your movement is, by its nature, cosmopolitan; and you must throw most light in places where darkness is most complete.

It was in search of light and knowledge in this matter that I came to hear your deliberations and partake of your social gatherings. I come as a student, not as a teacher. And I hope to tell my countrymen of your good, unselfish deeds. I hope to translate into my native language, and make public, the essays that have been read in this congress, and its debates and its declaration of principles; and if, after the reading of them, a blow is spared to a poor wretch, more unfortunate than criminal, or if the hardened heart

of a brutal jailer is for a moment softened into pity, then you will acknowledge that my visit to you has not been without its fruit.

In conclusion, I beg to crave your indulgence for the grammatical errors that I may have committed in expressing my thoughts in a foreign language.

Rev. F. H. WINES, of Illinois, read a paper furnished by Mr. H. S. TARBELL, teacher in the Detroit house of correction, on The Prison School.

For Mr. TARBELL's paper, see page 193.

The consideration of the platform was resumed, and the articles, from the eighteenth to the twenty-third inclusive, were adopted *seriatim*. The twenty-fourth was then read, as follows: "Since personal liberty is the rightful inheritance of every human being, it is the sentiment of this congress that the state which has deprived an innocent citizen of this right, and subjected him to penal restraint, should, on unquestionable proof of its mistake, make reasonable indemnification for such wrongful imprisonment."

Mr. A. W. ALEXANDER, of Missouri, said that we had plenty of sharp rogues who would get convicted of crime for the purpose of showing afterward that they were wrongfully imprisoned, and come in for damages for $50,000. That would be progress in the wrong direction.

A member related several instances where innocent men had been imprisoned, and he thought that, in cases of this kind, where persons not only suffered loss themselves, but their families suffered disgrace on account of their imprisonment, the state should indemnify them for the wrong done.

Dr. BITTINGER, of Pennsylvania, thought the point not well taken; he said that the state was not the wrong-doer in such cases, but was imposed upon.

Judge CARTER, of Cincinnati, related an instance of a man suffering imprisonment for four years through the perjury of another person; he could not get damages from the perjurer, and should have satisfaction from the state.

Mr. HURLBUT, of Wisconsin, said such instances could be multiplied, where innocent men had been convicted of crime, imprisoned, and their reputation destroyed, and when they came out, they had lost their position in society. Let this principle be adopted as a rule in the states, and the result would be that innocent men would seek redress in the courts, and would thus

have the means of establishing their innocence. He hoped the article would be adopted.

Rev. Mr. CRAWFORD, of Michigan, gave an instance of a man who had been confined in prison wrongfully, until he had become almost insane; he had three motherless children, of whose whereabouts he had lost all trace. This man had a good trade, and could have earned five dollars a day had he not been imprisoned. He thought something should be done in some way to indemnify men who had been so unjustly imprisoned.

Mr. ALEXANDER objected to selecting individual cases. Would any body say that, because some had been unjustly imprisoned, we should not imprison people at all?

A member: That is not proposed. The proposition is, that when we blunder, we should do what we can to repair our blunders. Will not the gentleman admit that that is a sound principle in law as well as in morals?

Mr. W. J. YOST, of Illinois, thought that neither a man nor a state should be held responsible for what he did not do intentionally. If a man were charged with crime, he was allowed to bring witnesses from all parts of the state, and have counsel to defend him. That was done to prevent the unjust conviction of innocent men; yet unprincipled men would sometimes come in, and through perjury, procure the conviction and imprisonment of an innocent man. The state, however, had done all it could to prevent injustice. Should an article like this be adopted, claims for damages against the states would be greater than those against congress for damages during the late war.

Dr. WINES had entered the hall while the last speaker was addressing the house. He obtained the floor as soon as Mr. Yost had taken his seat, and said that the adoption of this article by the congress would not give it a place in the statute books of our states, though he admitted that the aim was to get it there in the end. The proposition under discussion formed the thesis of a very able paper, communicated by an eminent legal gentleman of France, Mr. A. Corne. That paper had not yet been read, and he thought it but fair to Mr. Corne, while it was due to the interest of truth and justice, that the masterly argument of that gentleman should be heard before the congress acted on this proposition. He moved, therefore, to lay the article on the table.

The motion was agreed to.

Articles twenty-fifth and twenty sixth were then adopted.

The twenty-seventh article was read, which is as follows: The exercise of executive clemency in the pardon of criminals is a practical question of grave importance, and of great delicacy and difficulty. It is believed that the annual average of executive pardons from the prisons of the whole country reaches ten per cent of their population. The effect of the too free use of the pardoning power is to detract from the *certainty* of punishment for crimes, and to divert the mind of prisoners from the means supplied for their improvement. Pardons should issue for one or more of the following reasons, viz.: To release the innocent, to correct mistakes made in imposing the sentence, to relieve such suffering from ill health as requires release from imprisonment, and to facilitate or reward the real reformation of the prisoner. The exercise of this power should be by the executive, and should be guarded by careful examination as to the character of the prisoner and his conduct in prison. Furthermore, it is the opinion of this congress, that governors of states should give to their respective legislatures the reasons, in each case, for their exercise of the pardoning power

Mr. Coffin, of Indiana, said he would not like to see this article passed in the present form. Taken as a whole, the principles embodied in it were, perhaps, correct; but they had difficulty enough now in obtaining pardons, and he would not want to do any thing that would make it harder.

Gov. Baker said he had had some experience on that subject. He believed he had pardoned ten per cent of those who had been applied for, though his friends seemed to think him hard-hearted. He thought the article could be put in better shape, and that it ought to lie on the table for the present. He would favor throwing proper restrictions around the pardoning power.

Rev. Mr. Crawford was opposed to the article, as stating what he considered untrue. He did not believe that the exercise of this power interfered with prison discipline. He thought that there was scarcely any influence more productive of good discipline than the expectation, on the part of the convict, that his good conduct would merit pardon.

On motion of Mr. Brockway, the article was laid upon the table, whereupon the congress adjourned until 9 o'clock to-morrow morning

Sixth Day.

Tuesday, October 18, 1870.

MORNING SESSION.

The congress was called to order at 9 A. M. — Governor Baker in the chair.

Session opened with prayer by C. F. Coffin, of Indiana.

Dr. Wines read a paper on Humanity and Humanitarianism, with special reference to the Prisons of the United States and Great Britain, by William Tallack, secretary of the Howard association, England.

For Mr. Tallack's paper, see page 204.

Dr. Wines then read a paper on Criminal Registers (*casiers judiciaires*), as a means of knowing the Antecedents (criminal biography) of Persons previously convicted of Crime, by M. Bonneville de Marsangy, counselor of the imperial court of Paris, France.

For M. de Marsangy's paper, see page 232.

Following this, a paper was read on the Professional Training of Officers of Prisons and Reformatories, by Rev. James Woodworth, secretary of the California prison commission.

For Mr. Woodworth's paper, see page 384.

The next was a paper on Reformatory Discipline as applied to adult Prisoners, by G. B. Hubbell, late warden of Sing Sing prison, New York.

At the conclusion of this paper, Mr. Pilsbury said: Mr. President, that is a description of the coming state reformatory I tried to describe on Thursday.

The platform of principles was again taken up. The article on executive pardons being under consideration,

Rev. James Woodworth, of California, said that he was not in favor of giving the governor any more advisers than he had. When the responsibility was thrown entirely on one man, he felt it. If he had associates who shared it with him, it would be an easy matter to shift it on to their shoulders. In illustration of this point, he enumerated instances where bad results had come from an undue exercise of executive clemency through the influence of advisers.

Dr. Wines thought that though the governor should receive recommendations from every man in the state to pardon a crimi-

nal, he was not thereby released from his personal responsibility.

Rev. CHARLES CRAVENS, of New York, said that in his state the governor, in his report on pardons, gave the reason for each. He thought this an excellent arrangement, because, if false representations were made, it would be known, and the people could correct them.

Governor HAINES, of New Jersey, thought the executive received plenty of advice outside; some would advise one way, and some another. What they wanted was responsible men to advise with the governor.

Mr. WELKER, of North Carolina, believed in the one man power, and when the people delegated that power to a man, he should be held personally responsible. The people should choose a governor of good hard sense, who was also a man of kind and generous disposition, and who would exercise that power to the good of the state. Much harm was done by improper pardons. Where the governor could place the responsibility upon some one else, this power was apt to be abused, and the very worst class of prisoners thrown upon society.

After some further discussion, the article was adopted as reported by the business committee.

The remaining articles (28th to 37th inclusive) were successively read and adopted, with some little discussion upon the last one, in reference to the co-operation of women in effecting the reformation of prisoners.

Rev. C. C. FOOTE, of Detroit, said he was personally interested in that article, as there were over 100 women in their prison. While he believed in the right and propriety of the male chaplain doing all he could for the salvation of these women, he was well persuaded that women could accomplish the work much better than men. The labors of the matron in their institution had accomplished great good.

The following was passed: This congress is of the opinion that separate prisons should be established for women, and that in no case, either in city or county jail or state prison, should women be detained in the prison with men, and that females should have charge of the female department of all prisons.

Mr. ALEXANDER, of Missouri, offered the following:

Resolved, That the questions relating to crime and criminals for their right decision, require to be considered from the stand-

point of a comprehensive and accurate acquaintance with the structure and natural laws of the social organism.

Resolved, That the study of social science, of which penology is one department, is essential to the well-being of any nation, and especially of a republic.

Resolved, That this congress hereby expresses its sense of the importance of making social science a branch of collegiate education, believing that the influence of such instruction will be to diminish not one alone, but all social evils, by pointing out their causes and relations.

Resolved, That a committee of five be appointed, whose duty it shall be to confer with educational institutions with reference to the establishment of chairs of social science; or, failing in that, to secure professors in studies allied to social science, capable and eager to cultivate that science.

Dr. HATCH, of Connecticut, hoped the resolution would not pass. He did not think we should take up the subject of social science; there was a national social science organization in existence, well established, and quite competent to deal with all such questions.

Dr. WIÑES concurred in the views of the last speaker; this congress was called for the one specific object of studying and improving prison discipline in the prisons and reformatories of the country, and he did not think it proper for them to say to boards of trustees of colleges and institutions of learning what they should introduce into their curriculum of study.

Mr. ALEXANDER supported his resolutions in a speech of some length, in which he claimed that all the principles which they had been considering were intimately related to social science, and to the end that this science be fully understood, he thought that there should be professorships devoted to teaching it.

Dr. WINES said that he concurred heartily in the principle of the resolution; his objection was, that he feared it would be regarded as an impertinent meddling with what did not properly belong to this body. He looked with alarm upon the proposition to petition colleges to establish chairs of social science as a part of their agencies of instruction. He feared it would bring the congress into discredit with the sober, conservative people of the nation. He repeated — for he did not wish to be misunderstood — that he was not opposed to teaching social science in colleges, but he was opposed to this congress undertaking to dictate to those institu-

tions what they should do. What did the third resolution propose? To ask the colleges to institute professorships to diminish—crime did it say? well, it said that, but it said a great deal more—to diminish, not crime alone, but *all social evils* — ALL of them; the whole batch. Were we prepared to go before the colleges of this country and say we wanted them to establish professorships to abolish *all the social evils* with which we were afflicted? He believed not; yet that was what the resolutions proposed.

Judge CARTER, of Ohio, asked if all crime did not arise from social causes?

Dr. WINES said he had no doubt that many crimes did, but that was not the question with him. The resolution was laid upon the table.

Judge CARTER offered the following resolution:

Resolved, That it is the sense of this congress, that although we are in favor of some kind of respectable uniform to be worn by the prisoners confined for crimes and offences in our prisons, the clothing of them in the striped, zebra-like uniforms adopted by many of our prison regulations is an outrage that calls for reformation, and should at once be abolished. The element of reform of prisons does not exist in such a regulation, because by it the prisoners, losing all self-respect, are kept in a continual feeling of degradation, ill-adapted to the commencement of any sort of reformation in them.

Dr. HATCH, of Connecticut, said that it was characteristic of American genius to crystalize its thought in a church, or a society, or at least in a resolution. He thought they would weaken the influence of the congress by passing such a large list of resolutions. The principles proclaimed in the platform contained every thing essential, and they should rest upon that and be satisfied with it.

Judge CARTER said that this was a practical reform that ought to be promptly adopted. The resolution was laid upon the table.

Rev. Chas. CRAVENS, of New York, read a paper on "The Proposed Volunteer Adult Reformatory at Warsaw," prepared by Hon. WM. H. MERRILL, secretary of the board of managers.

For Mr. MERRILL's paper, see page 180.

Rev. Mr. FESSENDEN, of Connecticut, inquired how the institution was to be supported?

By request, the Rev. A. M. FISK, agent of the institution, made

the following explanation. After examining the penal laws and institutions of New York, it occurred to him that there was a class of men for whom no proper provision was made — a class out of whom the state annually manufactured criminals by the score — aye, by the hundred. There is a class of criminals who *intended* to commit the crimes for which they were imprisoned; but there were others who were betrayed into crime, committing a wrong act in some moment of sudden passion or overmastering temptation, or led astray by evil associates. It seemed to him fair to presume that most, if not all, of this class would retrace their course, if a proper opportunity were presented them for doing so, and he felt that society was bound to give them such a chance.

In the enforcement of the penalties usually inflicted, what self-respect the prisoner might have remaining was destroyed, and he felt little inducement to reform. Perhaps nineteen-twentieths of those convicted for the first time would reform if proper opportunities were presented them; but such opportunities were not offered by our present system. The institution he represented proposed to take just that class of men whenever the judges were satisfied that it was the first offence, and there was good reason to believe they would reform. Suppose a man to have committed an offence that would send him to the state prison, if the judge was satisfied there were mitigating circumstances and a strong probability that the man would reform, the intention was, that he suspend judgment, hold the sentence over him, and send him, or at least give him the privilege of going, to this institution. In the mean time, if, under our management, his conduct was such as to satisfy the executive that he was a reformed man, then he was to restore him to society, and the man was to have an honorable discharge, with the sentence rubbed out. If, at any time, he left the institution without such honorable discharge, the original sentence was to be fully executed against him. Thus he would be surrounded by a wall ten-fold stronger than adamant. The influences of such an institution to draw men back to a course of virtue would be such that, as governor Hoffman said, "the enterprise cannot fail to receive the hearty approbation of every good man and woman in the country."

When hearing the paper read by Mr. Brockway, he was particularly struck with the proposition for a board of guardians, as they had hit upon a plan to secure almost exactly the same thing

in the management of their institution. On that board they had a very superior lawyer and judge, and men of large wealth who were worth, in the aggregate, millions of dollars; also, a number of thorough educators, and one of the *livest* editors in New York state. Moreover, they did not pay their managers any thing, except the money they had actually paid out when on duty; and not only that, but they were going to make these men pay liberally for the honor of the position they hold. They proposed to bring all power and possible influence to bear on the good people of New York to help them make this a model institution, and worthy the imitation of other states and countries. He believed that, as soon as they could make the people believe the institution would be a success, they would give of their means liberally for its support, and he had no doubt the state of New York would give them $100,000 as soon as they could prove that they could make it a success. In conclusion, he expressed the hope that this congress would aid them in this noble enterprise.

The following, offered by Rev. C. CRAVENS of New York, was unanimously adopted:

Resolved, That, in the opinion of this congress, the plan of the educational and industrial reformatory at Warsaw, New York, is one that deserves a full trial, and, if successful, promises to work the most radical and gratifying results.

A paper was then submitted on The best Formulas for Registering the Statistics of Prisons and Reformatories and the Importance of Uniformity therein; by A. J. OURT, M.D., corresponding secretary of the Pennsylvania board of state charities.

For Dr. OURT's paper, see page 415.

Rev. F. H. WINES, of Illinois, thought the paper of Dr. Ourt an able one, but it seemed to him there were some important points which it did not contain. Without knowing something of the criminal's ancestral history and hereditary qualities, the statistics would be incomplete. The acts of a criminal might, to some extent, have depended upon the physical, intellectual or moral condition of a grandfather or some progenitor still more remote; and, without some information on these points, our conclusions might lead us widely astray. Another grave omission in the tables, as it seemed to him, was that they failed to show whether the parents were temperate or not; whether they

were of native or foreign birth; whether they had ever been convicted of crime; whether they had been insane or idiotic, etc., etc.

Mr. BROCKWAY, of Michigan, said that out of fifty patients imprisoned, he found that forty per cent of them for three generations had been subject to insanity, epilepsy or gross intemperance, and in such a degreee of ignorance that the parents could not read or write.

Rev. Mr. QUINBY, of New Hampshire, related some instances where drunkenness had been traced back to the ancestors of criminals for three and even four generations.

The congress then adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

Upon re-assembling, at 3 o'clock P. M., the congress listened to the paper of Mr. A. CORNE, advocate of the imperial court, Douai, France, on The Duty of Society to indemnify the Citizen who has been unjustly imprisoned; which was read by Dr. WINES.

For Mr. CORNE's paper, see page 244.

Article XXIV of the platform, relating to indemnity for unjust imprisonment, was taken up; all the others having been passed upon and adopted.

Mrs. C. EUPHEMIA COCHRAN, of Michigan, submitted, through Mr. BROCKWAY, a written argument in support of the principle of the article, as follows:

The resolution to indemnify the innocent citizen for his unjust imprisonment has been objected to on the plea that the state pocket would be charged with damages for an unintentional wrong, the state never having designed to injure the individual in any way. Exactly the same plea may be urged by a railroad company against awarding damages to a passenger who, by an accidental collision of trains, has been rendered helpless for life. The company meant no harm to the man. Some one of its employés blundered merely — that was all. But the public sense of justice replies: The railroad company runs this road in its own interest, for its own benefit. It undertook to carry the man safely to his destination, and instead, behold a mass of broken bones. The company shall pay this man in such poor way as money is competent to answer for a crippled life. In like manner the state, in pursuing its own interest for its own safety, appoints police officers, prosecuting attorneys, juries and judges, and if, though well-intentioned, they mistake as to the

criminality of individuals, the state is responsible for the blunder of its employés, and it is the clear demand of simple justice that it should remunerate the innocent sufferer, in as far as possible, for the terrible wrong done to him. It is but a poor thing it can do at best. Let gentlemen put themselves in the place of this man—arrested, shut up in jail, ignominiously brought into court, tried, condemned, sentenced, given over to the prison authorities, stripped of his citizen clothing, and the garments of disgrace substituted in their place; worse than all, placed in abject slavery to the will of another, driven to his work and to his cell like a beast, deprived of home and all its endearments—what can compensate him for all this? His right is to life, liberty and the pursuit of happiness. His life has been poisoned, his liberty manacled, and the pursuit of happiness wholly denied him. What shall compensate him for the hot wrath which has devoured his manhood? for the spirit of vengeance and despair which has laid hold of him with fearful grasp, and left their scars upon his soul? Will a million of dollars undo the wrong which has been done him? Every man here would spurn the thought. But the state absolutely refuses to make any reparation. It authorizes the governor to *pardon* him out! Pardon him out! Think of it! Pardon him for what? For being a virtuous, innocent man, suffering the sentence of the criminal, through the mistake of society. Is this all a magnanimous people can do to atone for the grievous wrong? Pardon is a misnomer—an abuse of terms. It is a maddening insult—the climax to his injuries! St. Paul never made a more manly utterance than when the magistrates sent privately to bring him out of prison. "They have beaten me openly and uncondemned, being a Roman, and now do they think to thrust me out privily? Nay, verily, let them come and fetch me out." In the same spirit of just indignation should our prisoner exclaim: "They have arrested, judged and punished me unjustly, being an American citizen. And now let them not think to thrust me out privately, with the mockery of a pardon, which they themselves need." No, gentlemen. Let the governor make public proclamation of the innocence of the man, and the court award to him such poor money atonement as can be offered. Surely, if ever a day of mingled fasting and thanksgiving is due, it is the day when the victim of such unutterable wrong is discovered to be an innocent man.

I move that the resolution be passed, with an amendment em-

bodying the thought that public proclamation of innocence be substituted for the ignominious mock pardon with which the innocent citizen is now insulted.

Dr. WINES, of New York, said that he had not been present during the discussion of this question on the preceding day, but he perceived from the reports in the papers that all who had taken part in it, as well as the worthy lady whose ringing and telling argument they had all just listened to with delight, confined their view to the narrow horizon which embraced only the innocent who had been convicted of crime, and who had suffered imprisonment in pursuance of such conviction. These, however, as they had seen from the paper of Mr. Corne, were but as a drop in the bucket, compared to the number of the arrested, who, on their examination or trial, had been judicially acquitted of the crimes charged against them, and yet, who had suffered imprisonments, varying from days to months, and even years, while their families —such as had any—smitten by the double blow of ignominy and poverty, anguish and want, had been stripped, by the landlord or the pawnbroker, of the little they had at the time of the arrest, driven into the street, and there left to steal or starve. He would not go over again the unanswerable argument of the distinguished French advocate, and he certainly could add nothing to it. He would simply express the hope that the congress, by a unanimous vote in favor of the proposition, would do what it could to initiate a reform, demanded alike by justice and humanity.

The Rev. J. K. MASON, of Maine, said that he had been greatly interested in the paper of Mr. Corne, and could very cordially subscribe to the principles it advocated. He looked at the question in the light of one standing outside the prison walls, and in the light he sometimes got in going within the walls. He tried to put himself in the place of those wrongfully incarcerated, and he asked himself, who was responsible for the mistake of his being thrust into prison and kept there, under all the odium that adheres to one that goes in there, and labors there, and suffers there? It seemed to him that the state was responsible, and he thought the state should indemnify him, at least for his loss of time, if not for the odium cast upon himself and his family, and the suffering that had followed from his false imprisonment. Mr. MASON, in conclusion, moved that the article be amended by striking out all after the word "*resolved*," and inserting the following:

"Since personal liberty is the rightful inheritance of every human being, it is the sentiment of this congress that the state which has deprived an innocent citizen of this right, and subjected him to penal restraint, should, on unquestionable proof of its mistake, make reasonable indemnification for such wrongful imprisonment."

Gov. BAKER, of Indiana, said the question should be viewed from two stand-points. The writer of the paper seemed to look entirely at cases of preliminary imprisonment. The lady, whose argument had been read, looked entirely to those cases where persons had been unjustly convicted and sentenced. The difficulty referred to by the former did not exist to a very great extent in this country. It seemed that in France they could arrest and imprison on suspicion; here, the imprisoned had the right of *habeas corpus*. Any man had the right, on a writ of *habeas corpus*, to have his case re-investigated. Still, he agreed to the principle that, in cases where the innocent were imprisoned, there should be some mode of compensation.

Mr. YOST, of Illinois, was opposed to the original article, the substitute, and any equivalent proposition. There were many such mistakes that could not be rectified in this life, but when we all appear before the throne of the great Judge, in eternity, all these things would be set right.

A member: That's a good while to wait. Where it is *known* that a man has been wrongfully imprisoned, would you not indemnify him?

Mr. YOST: I don't see how it is possible.

Dr. WINES (very emphatically): Why, just *make* it possible. The right kind of a law will do it.

Mr. MASON's amendment was adopted, and then the article, as amended, was passed.

Mr. Charles F. COFFIN, of Indiana, presented the report of the finance committee, and, in doing so, remarked that, whereas membership on the finance committee of a convention was apt not to be specially desirable, yet it had been a pleasure to serve on that committee in the present congress, so prompt and cheerful had been the response to the application for funds. The report was accepted, approved, and is as follows:

The financial committee respectfully report that the expenses of the hall have been generously assumed by the citizens of Cin-

cinnati, and, further, that the assessments made upon the several states for funds to meet the other expenses of the congress have all been met with promptness and alacrity, and that a contribution of $10 from G. Richards, Dunlop, Ohio, has been received, making altogether the sum of $350.50, which has been received by the treasurer. Bills of expenses (all of which have been passed upon by the committee) have been paid, amounting to $274.20, leaving a balance in the treasury of $76.30, which we recommend be paid over to E. C. WINES, D.D., chairman of the publishing committee, for the use of that committee, after paying the balance which will be due to the reporter of the congress on the completion of his report.

By direction of the committee.

C. F. COFFIN, *Chairman.*

Mr. HOBBS read a paper on Compensatory Justice and Reform, as against Vindictive Punishment and Failure, in the Treatment of Criminals, furnished by J. W. GORDON, Esq., of Indiana.*

The congress then adjourned until 7½ o'clock P. M.

EVENING SESSION.

The congress met at 7½ P. M., and was opened with prayer by Rev. Mr. FESSENDEN, of Connecticut.

Mr. ALEXANDER, of Missouri, moved that the paper on statistics be referred to a committee of five, and that said committee report thereon to the publishing committee, prior to the publication of the proceedings of this congress. The motion was agreed to, and the following gentlemen were designated as the committee: A. W. Alexander, Rev. F. H. Wines, C. F. Coffin, F. S. W. Gleason and Hon. A. G. W. Carter.

A resolution was adopted, instructing the publishing committee to secure, if possible, reports from the various penal and reformatory institutions in the country for insertion in the transactions of this congress; said reports to be sent in on or before the first of December.

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* This paper was, at the request of the author, returned to him for revision, but has not since come into the hands of the committee, though Mr. Gordon was duly notified of the time at which it must be received to insure its insertion in the transactions. — PUBLISHING COMMITTEE.

Rev. Mr. WINES, of Illinois, read a paper entitled Historical Sketch of International Penitentiary Congresses, communicated by Signor SCALIA, inspector of prisons in the kingdom of Italy.

For Mr. SCALIA's paper, see page 267.

Judge CARTER moved that the resolution offered by him with regard to the uniforms of prisoners be taken from the table.

The motion prevailed, and, on being put to vote, the resolution was lost.

Dr. WINES then offered, and the congress with great cordiality adopted, the following resolution of thanks:

Resolved, That the hearty thanks of this congress be given,

1. To his excellency, Governor Hayes, president of the body, for his uniform courtesy and the dignified, impartial and able manner in which he has discharged the duties of the chair, and to Governor Baker, the vice-president, who has presided the last two days, for the same qualities.

2. To the writers, at home and abroad, who have furnished papers to the congress.

3. To the citizens of Cincinnati, as represented in their common council and local committee, for the graceful hospitalities extended to the congress, and, particularly, for providing for its use this commodious hall, for the generous arrangements made by them for visiting the public institutions of the city, and for the extended drive of Saturday last, through the charming suburban regions adjacent to this noble metropolis.

4. To the conductors and reporters of the press in this and other cities, for the space they have generously given in their columns to the proceedings of the congress, thereby widening its influence for good and essentially aiding its objects.

5. To the associated press, for the dispatches they have so liberally sent to the newspapers of the country.

6. To the young men's christian association, the managers of the industrial exhibition, and the other institutions of the city and state, which have, in various ways, exhibited kindly courtesies to the congress, and increased the enjoyment of its members during their temporary sojourn in the city.

7. To the several railroad companies, which have passed members over their roads at reduced fares.

8. To the proprietors of such of the Cincinnati hotels as have reduced their terms of board to the members of the congress.

The Rev. Mr. CRAVENS, of New York, said it struck him that there was a material omission in the vote just passed, which he proposed to supply by a special resolution, as follows:

Resolved, That the cordial thanks of this congress are hereby tendered to the Rev. Dr. Wines, for his intelligent, earnest and indefatigable efforts, prolonged through many months, and at length happily crowned with complete success, in the labors and results of the present congress; and our thanks are no less due and given to him for the essential aid he has rendered to the officers who have presided over our deliberations.

The resolution was adopted.

The business of the congress being now completed, the remainder of the evening was devoted to short valedictory addresses by members, interspersed with music by a quartette club of ladies and gentlemen, who kindly volunteered their services on this occasion.

Mr. BROCKWAY said he was glad that he had come to Cincinnati, for more reasons than he could tell them. It had been his privilege, during the last few years, to attend a large number of conventions, many of which were of a religious character. He had never left one of these conventions without a shade upon his mind, but now he was going home with mind and heart unclouded, satisfied, yes, more than satisfied, with this, the first really national penitentiary congress. They were about to return to their several fields of labor to meet the practical duties of life, and to look into the faces of the fallen fellow-beings, whom God, in his providence, he would even say in his goodness, had placed under their charge; and would they be depressed by the reaction? There had been times within the last year with him, and he thought he spoke the experience of many others, when he almost felt that he must give up — that he could never solve the problem of reformation; but to-night he felt strong, and, God helping him, he would never look back again.

Dr. HATCH thought they must all be glad that they came to Cincinnati. He was both glad and sorry — glad that he was going home, and sorry that he was going to part with these dear friends and fellow-laborers. He once heard Henry Ward Beecher say, in his inimitable way: "What a delightful thing it must be to be a heathen, and have such an one for a missionary." He thought it must be a delightful thing to be a convict, and have such men to be over him.

He had never in his life met men of more kindly, christian sympathies and brotherly feelings toward each other, and though he might never see them again, he would never lose the delightful memory of that occasion. They were all working for the same cause and in the same spirit, and he felt that, as brothers and sisters, they should join hearts and hands, and work more earnestly than ever before in this noble cause of lapsed but not, as he believed, irreclaimable humanity.

Judge CARTER said that he was born in Cincinnati and could remember when the city numbered but twelve thousand inhabitants. He had been a witness to its extending growth. They had had a great many conventions held there; conventions of various kinds — political conventions, labor conventions, scientific conventions, religious conventions, woman's rights conventions, and others, too numerous to name — but never any in which he had felt so great an interest, or which he believed to be so useful, as this national prison reform congress. He thought the congress had not been quite radical enough, but he had resolved to stand by the thirty-seven principles that had been adopted. He was entirely satisfied with them, and felt assured that they were a long step in the right direction. With regard to sentiments of kindness and generosity expressed concerning the citizens of Cincinnati, he would say they were entirely and warmly reciprocated. They had done all in their power to make your stay among them a pleasant one, feeling that they could not do too much.

Mr. TALCOTT said, they came there with the expectation of having a harmonious, spirited and instructive convention; and he was sure none would return to their homes disappointed. They had all been profited, and all would go away with larger views, with broader sympathies, and a more thorough determination, God helping them, to do their work earnestly and well. He should remember the "queen city of the west" with grateful feelings, and go more earnestly and deeply into the work to which he had devoted so many years.

Rev. Mr. WOODWORTH recalled pleasant reminiscences of his boyhood, when he had once started to seek his fortune in Cincinnati, but Providence directed his steps to the Pacific coast; and now, after the lapse of twenty years, he found himself in that city for the first time in his life. The same Providence that guided him westward had also given him a work to do among prisoners. When he went to that distant land, he went seeking his own for-

tune; now he was seeking the fortune of others: instead of trying to elevate himself, he was trying to lift them up and make them what God designed them to be—virtuous, happy, good men and women. He believed that God guided their steps and directed their work; and he attributed the brotherly love and harmony that had marked their proceedings to the presence of God's Spirit in their midst; and he trusted that they would all take that Spirit away with them, and have His presence as an abiding force, both to quicken and to aid them in their work.

Gen. PILSBURY thanked God that He had spared his life to meet with this assembly. He believed that great good would result from this congress, and rejoiced to see so many distinguished men and women taking an interest in the work to which he had devoted his whole life. This was his first visit to the west. He had longed to do so for many years, but could not, because he had been shut up in prison. He was no speaker, and it was with no little effort that he made the attempt, especially after one gentleman had called the attention of the ladies to his good looks. His heart felt a pang when he thought that, in all probability, they would never meet again on earth. Yet he hoped he might see them at his institution, and he invited them all to come, singly or together.

Rev. Mr. QUINBY said that the last few years of his life had been given to labors among prisoners. He had never before conceived the magnitude and importance of this work. He had come to this gathering with high hope, and that hope had been more than realized.

Mr. WELKER said that, in his section of country—North Carolina—public opinion had to be regenerated and public feeling changed. They were now building their first penitentiary in his state. It had pleased his fellow-citizens to give him something to do in connection with that enterprise; and he felt that he should return strengthened, by communion with such a noble band of laborers, for the work that had been assigned him.

Mrs. SEXTON spoke of the reluctance with which, at the earnest request of the directors, she had consented to come to this congress. She felt, indeed, that she needed to learn a great deal; but, as she had left more than seventy-one years behind her, it seemed almost useless for her to try to learn. She had not promised herself any enjoyment or happiness in the trip; but, like others who had expressed themselves upon this subject, she was glad that she came.

Though her head was blossoming for the gráve, she thanked God that the day was breaking for the prison inmates, and she believed that some of those who were younger would see the time when, after the form of Dr. Wines lay beneath the clods of the valley, his name would be honored for organizing this prison congress. She felt that a better day was coming for the prisoner. Her heart was in anguish for the prisoners, and especially for the guilty ones. If we ever expected them to reform, we must go to them in the spirit of the meek and lowly Jesus—go to them in the habiliments of love. Said she: Speak to them of their mothers, and then you will go right to their hearts; speak to them of their sisters; speak to them of their brothers, and of that gray-headed father, who so dearly loved his children; then tell them of that Friend above, that sticketh closer than a brother. In conclusion, she invoked the blessing of God on Dr. Wines in his labors, and on the great cause for which he worked so earnestly.

Mr. Coffin said that one particular advantage they had derived from meeting together was, that of warming each other's hearts, under the inspiration and the earnest zeal given to those who were engaged in the work that had brought them together. It was a pleasure to meet so many who were engaged in this great work, and to form their personal acquaintance. It was a joy to him, to take Dr. Wines by the hand, and to know that they had, in the warden of the Ohio penitentiary, a man of such force of character and determination of will, as to give convicts the privilege of religious instruction, though he should stop their labors to enable him to do so; and he also rejoiced that they had a lady chaplain, whose heart was so warm and full of sympathy for her brethren in suffering and sorrow. He hoped that God would bless and strengthen them in the work they had to do. He believed that the institutions under their charge would be greatly benefited by the deliberations in which they had engaged.

Mr. H. Thane Miller thought that he was never in a gladder assembly. They were glad they came, and glad they were going away. The citizens of Cincinnati had been glad they came; they were glad that a Rhode Island *Snow* had been so refreshing to them; glad they had brought such *Wines* with them, that exhilerated without intoxicating. He did not think the congress had done a better thing than when they went after him with that "long pole;" for if any of them were at a loss when to applaud, they always felt safe in following, when they heard that gold-headed

cane come down with such a will. He thought the meeting had been a happy one, considering it had in it two *Coffins* and one *Sexton*; and he did not suppose that their cakes would have been so savory, or so well done, if they had not had an excellent *Baker*. As they all now seemed determined to go home, he wished them a safe and speedy journey. He hoped they would all, by divine help, labor in the spirit of love to God and man.

Dr. WINES said: When I entered this hall to-night, I had no thought of opening my lips, except to offer the resolution of thanks which I had the honor to submit, and which it was a delight to prepare and to offer. But, sir, I cannot refrain. It is impossible for me not to speak a word to you before this congress breaks up, and we separate, certainly not all to meet again this side the flood. My heart is almost too full for utterance. Brothers and sisters, I have but one word to say to you, after again trying to express what indeed is inexpressible, the profound sentiment of gratitude in my heart for all the affection and kindness with which you have received and treated me here.

I have, I say, but a word more to utter, and it is this: WORK is man's mission here below; REST is to be looked for only in the higher sphere. We have all, I am sure, caught the inspiration of this great occasion. Let us, then, go down from these heights of social, intellectual and spiritual enjoyment, to toil faithfully, resolutely, persistently in our respective fields of labor, and so fulfill the high mission assigned us by Providence — the regeneration and redemption of fallen humanity.

You have called me to an arduous work. You have invited me to undertake the labor of organizing another prison congress upon a far broader field than this. I know not whether, at my age, I shall feel equal to this labor. But if, after seeking divine direction, it shall seem to me that I ought to accept your very honorable and flattering invitation, and if God gives me the needed strength, I promise that if work will do it, that congress shall be gathered together from the very ends of the earth — a congregation that will number not less than a thousand members.

Rev. F. H. WINES then remarked, that he had been commissioned by members of the congress to say that they could not separate without hearing a word from their honored chairman, Governor Baker.

Thus called upon, Gov. BAKER said, that he had a word to say on behalf of Governor Hayes, who was not here to speak for himself. He

desired, in the name and at the request of that gentleman, to tender to the congress his thanks for the uniform kindness with which they had treated him; and for himself, also, he wished to give expression to the same sentiment. His heart had been rejoiced to meet so many earnest men and women, who had come up there, without hope of reward, to deliberate concerning the interests of the lowly. He thought it was a good sign of the times. He wished, however, to say, that "faith without works is dead, being alone." They had adopted thirty-seven — not thirty-nine — articles of faith. These articles, like all other paper declarations, would not execute themselves. They will not breathe into themselves that breath of life which animates the men and women who adopted them. Their vital force will depend on a life imparted from without, not emanating from within. He trusted that they would go to their homes, all determined to do their duty in the sphere in which they labored, and he believed that God would be with them and bless their labors.

The congress then joined in singing the song "Where do you journey, my brother?" after which the doxology was sung, the benediction pronounced, and the congress adjourned *sine die*.

XL. Declaration of Principles Adopted and Promulgated by the Congress.

I. Crime is an intentional violation of duties imposed by law, which inflicts an injury upon others. Criminals are persons convicted of crime by competent courts. Punishment is suffering inflicted on the criminal for the wrong done by him, with a special view to secure his reformation.

II. The treatment of criminals by society is for the protection of society. But since such treatment is directed to the criminal rather than to the crime, its great object should be his moral regeneration. Hence the supreme aim of prison discipline is the reformation of criminals, not the infliction of vindictive suffering.

III. The progressive classification of prisoners, based on character and worked on some well-adjusted mark system, should be established in all prisons above the common jail.

IV. Since hope is a more potent agent than fear, it should be made an ever-present force in the minds of prisoners, by a well-devised and skilfully-applied system of rewards for good conduct, industry and attention to learning. Rewards, more than punishments, are essential to every good prison system.

V. The prisoner's destiny should be placed, measurably, in his own hands; he must be put into circumstances where he will be able, through his own exertions, to continually better his own condition. A regulated self-interest must be brought into play, and made constantly operative.

VI. The two master forces opposed to the reform of the prison systems of our several states are political appointments, and a consequent instability of administration. Until both are eliminated, the needed reforms are impossible.

VII. Special training, as well as high qualities of head and heart, is required to make a good prison or reformatory officer. Then only will the administration of public punishment become scientific, uniform and successful, when it is raised to the dignity of a profession, and men are specially trained for it, as they are for other pursuits.

VIII. Peremptory sentences ought to be replaced by those of indeterminate length. Sentences limited only by satisfactory

proof of reformation should be substituted for those measured by mere lapse of time.

IX. Of all reformatory agencies, religion is first in importance, because most potent in its action upon the human heart and life.

X. Education is a vital force in the reformation of fallen men and women. Its tendency is to quicken the intellect, inspire self-respect, excite to higher aims, and afford a healthful substitute for low and vicious amusements. Education is, therefore, a matter of primary importance in prisons, and should be carried to the utmost extent consistent with the other purposes of such institutions.

XI. In order to the reformation of imprisoned criminals, there must be not only a sincere desire and intention to that end, but a serious conviction, in the minds of the prison officers, that they are capable of being reformed, since no man can heartily maintain a discipline at war with his inward beliefs; no man can earnestly strive to accomplish what in his heart he despairs of accomplishing.

XII. A system of prison discipline, to be truly reformatory, must gain the will of the convict. He is to be amended; but how is this possible with his mind in a state of hostility? No system can hope to succeed, which does not secure this harmony of wills, so that the prisoner shall choose for himself what his officer chooses for him. But, to this end, the officer must really choose the good of the prisoner, and the prisoner must remain in his choice long enough for virtue to become a habit. This consent of wills is an essential condition of reformation.

XIII. The interest of society and the interest of the convicted criminal are really identical, and they should be made practically so. At present there is a combat between crime and laws. Each sets the other at defiance, and, as a rule, there is little kindly feeling, and few friendly acts, on either side. It would be otherwise if criminals, on conviction, instead of being cast off, were rather made the objects of a generous parental care; that is, if they were trained to virtue, and not merely sentenced to suffering.

XIV. The prisoner's self-respect should be cultivated to the utmost; and every effort made to give back to him his manhood. There is no greater mistake in the whole compass of penal discipline, than its studied imposition of degradation as a part of punishment. Such imposition destroys every better impulse and aspiration. It crushes the weak, irritates the strong, and indisposes all to submission and reform. It is trampling where we

ought to raise, and is therefore as unchristian in principle as it is unwise in policy.

XV. In prison administration, moral forces should be relied upon, with as little admixture of physical force as possible, and organized persuasion be made to take the place of coercive restraint, the object being to make upright and industrious freemen, rather than orderly and obedient prisoners. Brute force may make good prisoners; moral training alone will make good citizens. To the latter of these ends, the living soul must be won; to the former, only the inert and obedient body.

XVI. Industrial training should have both a higher development and a greater breadth than has heretofore been, or is now, commonly given to it in our prisons. Work is no less an auxiliary to virtue, than it is a means of support. Steady, active, honorable labor is the basis of all reformatory discipline. It not only aids reformation, but is essential to it. It was a maxim with Howard, "make men diligent, and they will be honest"— a maxim which this congress regards as eminently sound and practical.

XVII. While industrial labor in prisons is of the highest importance and utility to the convict, and by no means injurious to the laborer outside, we regard the contract system of prison labor, as now commonly practised in our country, as prejudicial alike to discipline, finance and the reformation of the prisoner, and sometimes injurious to the interest of the free laborer.

XVIII. The most valuable parts of the Irish prison system — the more strictly penal stage of separate imprisonment, the reformatory stage of progressive classification, and the probationary stage of natural training — are believed to be as applicable to one country as another — to the United States as to Ireland.

XIX. Prisons, as well as prisoners, should be classified or graded so that there shall be prisons for the untried, for the incorrigible and for other degrees of depraved character, as well as separate establishments for women, and for criminals of the younger class.

XX. It is the judgment of this congress, that repeated short sentences for minor criminals are worse than useless; that, in fact, they rather stimulate than repress transgression. Reformation is a work of time; and a benevolent regard to the good of the criminal himself, as well as to the protection of society, requires that his sentence be long enough for reformatory processes to take effect.

XXI. Preventive institutions, such as truant homes, industrial schools, etc., for the reception and treatment of children not yet criminal, but in danger of becoming so, constitute the true field of promise, in which to labor for the repression of crime.

XXII. More systematic and comprehensive methods should be adopted to save discharged prisoners, by providing them with work and encouraging them to redeem their character and regain their lost position in society. The state has not discharged its whole duty to the criminal when it has punished him, nor even when it has reformed him. Having raised him up, it has the further duty to aid in holding him up. And to this end it is desirable that state societies be formed, which shall co-operate with each other in this work.

XXIII. The successful prosecution of crime requires the combined action of capital and labor, just as other crafts do. There are two well defined classes engaged in criminal operations, who may be called the capitalists and the operatives. It is worthy of inquiry, whether a more effective warfare may not be carried on against crime, by striking at the capitalists as a class, than at the operatives one by one. Certainly, this double warfare should be vigorously pushed, since from it the best results, as regards repressive justice, may be reasonably hoped for.

XXIV. Since personal liberty is the rightful inheritance of every human being, it is the sentiment of this congress that the state which has deprived an innocent citizen of this right, and subjected him to penal restraint, should, on unquestionable proof of its mistake, make reasonable indemnification for such wrongful imprisonment.

XXV. Criminal lunacy is a question of vital interest to society; and facts show that our laws regarding insanity, in its relation to crime, need revision, in order to bring them to a more complete conformity to the demands of reason, justice and humanity; so that, when insanity is pleaded in bar of conviction, the investigation may be conducted with greater knowledge, dignity and fairness; criminal responsibility be more satisfactorily determined; the punishment of the sane criminal be made more sure, and the restraint of the insane be rendered at once more certain and more humane.

XXVI. While this congress would not shield the convicted criminal from the just responsibility of his misdeeds, it arraigns

society itself as in no slight degree accountable for the invasion of its rights and the warfare upon its interests, practised by the criminal classes. Does society take all the steps which it easily might, to change, or at least to improve, the circumstances in our social state that lead to crime; or, when crime has been committed, to cure the proclivity to it, generated by these circumstances? It cannot be pretended. Let society, then, lay the case earnestly to its conscience, and strive to mend in both particulars. Offences, we are told by a high authority, must come; but a special woe is denounced against those through whom they come. Let us take heed that that woe fall not upon our head.

XXVII. The exercise of executive clemency in the pardon of criminals is a practical question of grave importance, and of great delicacy and difficulty. It is believed that the annual average of executive pardons from the prisons of the whole county reaches ten per cent of their population. The effect of the too free use of the pardoning power is to detract from the *certainty* of punishment for crimes, and to divert the mind of prisoners from the means supplied for their improvement. Pardons should issue for one or more of the following reasons, viz.: to release the innocent, to correct mistakes made in imposing the sentence, to relieve such suffering from ill-health as requires release from imprisonment, and to facilitate or reward the real reformation of the prisoner. The exercise of this power should be by the executive, and should be guarded by careful examination as to the character of the prisoner and his conduct in prison. Furthermore, it is the opinion of this congress that governors of states should give to their respective legislatures the reasons, in each case, for their exercise of the pardoning power.

XXVIII. The proper duration of imprisonment for a violation of the laws of society is one of the most perplexing questions in criminal jurisprudence. The present extraordinary inequality of sentences for the same or similar crimes is a source of constant irritation among prisoners, and the discipline of our prisons suffers in consequence. The evil is one for which some remedy should be devised.

XXIX. Prison statistics, gathered from a wide field and skillfully digested, are essential to an exhibition of the true character and working of our prison systems. The collection, collation and reduction to tabulated forms of such statistics can best be effected

through a national prison discipline society, with competent working committees in every state, or by the establishment of a national prison bureau, similar to the recently instituted national bureau of education.

XXX. Prison architecture is a matter of grave importance. Prisons of every class should be substantial structures, affording gratification by their design and material to a pure taste, but not costly or highly ornate. We are of the opinion that those of moderate size are best, as regards both industrial and reformatory ends.

XXXI. The construction, organization, and management of all prisons should be by the state, and they should form a graduated series of reformatory establishments, being arranged with a view to the industrial employment, intellectual education and moral training of the inmates.

XXXII. As a general rule, the maintenance of penal institutions, above the county jail, should be from the earnings of their inmates, and without cost to the state; nevertheless, the true standard of merit in their management is the rapidity and thoroughness of reformatory effect accomplished thereby.

XXXIII. A right application of the principles of sanitary science in the construction and arrangements of prisons is a point of vital importance. The apparatus for heating and ventilation should be the best that is known; sunlight, air and water should be afforded according to the abundance with which nature has provided them; the rations and clothing should be plain but wholesome, comfortable, and in sufficient but not extravagant quantity; the bedsteads, bed and bedding, including sheets and pillow cases, not costly but decent, and kept clean, well aired and free from vermin; the hospital accommodations, medical stores and surgical instruments should be all that humanity requires and science can supply; and all needed means for personal cleanliness should be without stint.

XXXIV. The principle of the responsibility of parents for the full or partial support of their criminal children in reformatory institutions has been extensively applied in Europe, and its practical working has been attended with the best results. It is worthy of inquiry whether this principle may not be advantageously introduced into the management of our American reformatory institutions.

XXXV. It is our conviction that one of the most effective agencies in the repression of crime would be the enactment of laws by which the education of all the children of the state should be made obligatory. Better to force education upon the people than to force them into prison to suffer for crimes, of which the neglect of education and consequent ignorance have been the occasion, if not the cause.

XXXVI. As a principle that crowns all, and is essential to all, it is our conviction that no prison system can be perfect, or even successful to the most desirable degree, without some central authority to sit at the helm, guiding, controlling, unifying and vitalizing the whole. We ardently hope yet to see all the departments of our preventive, reformatory and penal institutions in each state moulded into one harmonious and effective system; its parts mutually answering to and supporting each other; and the whole animated by the same spirit, aiming at the same objects, and subject to the same control; yet without loss of the advan tages of voluntary aid and effort, wherever they are attainable.

XXXVII. This congress is of the opinion that, both in the official administration of such a system, and in the voluntary co-operation of citizens therein, the agency of women may be employed with excellent effect.

XLI. Principles of Penitentiary and Reformatory Discipline suggested for Consideration by the National Congress.

Explanation: The foregoing "declaration of principles" is, in the main, a condensation of a paper, prepared and printed by the committee of arrangements in advance of the meeting, and distributed, for examination, to all persons invited to attend the same. The committee of arrangements did not expect that their paper would be adopted by the congress in a form so full as that in which it had originally appeared; and, indeed, they themselves prepared the condensed form for the business committee of the congress. As most of the articles in the original paper contain, severally, not only the statement of a principle, but also a short, incisive, pithy argument in support of it, the publishing committee have deemed it best to give the said paper a place in these transactions, and thus secure for it a more permanent form than it had as published in the "programme of proceedings."

I. Crime is an intentional violation of duties imposed by law, which inflicts an injury upon others. Criminals are persons convicted of crime by competent courts, and who are committed to custody. Punishment is suffering, moral or physical, inflicted on the criminal, for the wrong done by him, and especially with a view to prevent his relapse by reformation. Crime is thus a sort of moral disease, of which punishment is the remedy. The efficacy of the remedy is a question of social therapeutics, a question of the fitness and measure of the dose.

II. The treatment of criminals by society is for the protection of society. Since, however, punishment is directed, not to the crime but to the criminal, it is clear that it will not be able to guarantee the public security and re-establish the social harmony disturbed by the infraction, except by re-establishing moral harmony in the soul of the criminal himself, and by effecting, as far as possible, his regeneration—his new birth to respect for the laws. Hence,

III. The supreme aim of prison discipline is the reformation of criminals, not the infliction of vindictive suffering. In the prison laws of many of our states, there is a distinct recognition of this principle; and it is held by the wisest and most enlightened students of penitentiary science. That the majority of

imprisoned criminals are susceptible to reformatory influences is the opinion of the most competent prison officers, and is attested by the experience of Mrs. Fry at Newgate, captain Maconochie at Norfolk Island, colonel Montesinos at Valencia, councilor Von Obermaier at Munich, Sir Walter Crofton in Ireland, and count Sollohub at Moscow. But neither in the United States nor in Europe, as a general thing, has the problem of reforming criminals yet been solved. While a few are reformed, the mass still leave the penitentiary as hardened and dangerous as when they entered; in many cases, more so. It is evident, therefore, that our aims and our methods need to be changed, so that practice shall conform to theory, and the process of public punishment be made, in fact as well as pretence, a process of reformation.

IV. The progressive classification of prisoners, based on merit, and not on any mere arbitrary principle, as age, crime, etc., should be established in all prisons above the common jail. Such a system should include at least three stages, viz: 1. A penal stage, with separate imprisonment, longer or shorter according to conduct. 2. A reformatory stage, worked on some mark system, where the prisoners are advanced from class to class, as they earn such promotion, gaining, at each successive step, increased comfort and privilege. 3. A probationary stage, into which are admitted only such as are judged to be reformed, and where the object is to test their moral soundness—the reality of their reformation. The prisoner must be tried before he can be trusted. It is the want of a guaranty of his reformation that builds a wall of granite between the discharged convict and honest bread. This trial stage is an essential part of a reformatory prison system, since it furnishes to society the only guaranty it can have for the trustworthiness of the liberated prisoner; and such guaranty is the sole condition on which the various avenues of honest toil will be freely open to his entrance.

V. Since hope is a more potent agent than fear, it should be made an ever present force in the minds of prisoners, by a well devised and skillfully applied system of rewards for good conduct, industry, and attention to learning. Such reward should consist of: 1. A diminution of sentence. 2. A participation by prisoners in their earnings. 3. A gradual withdrawal of prison restraints. 4. Constantly increasing privileges, as they shall be earned by good conduct. Rewards, more than punishments, are essential to every good prison system.

VI. The prisoner's destiny, during his incarceration, should be placed, measurably, in his own hands; he must be put into circumstances where he will be able, through his own exertions, to continually better his condition. A regulated self-interest must be brought into play. In the prison, as in free society, there must be the stimulus of some personal advantage accruing from the prisoner's efforts. Giving prisoners an interest in their industry and good conduct tends to give them beneficial thoughts and habits; and what no severity of punishment or constancy in inflicting it will enforce, a moderate personal interest will readily obtain.

VII. The two master forces opposed to the reform of the prison systems of our several states are political appointments and instability of administration, which stand to each other in the relation of cause and effect. At present, there is scarcely a prison in the country in whose administration politics is not felt as a disturbing — in that of the great majority it enters as the controlling — power. To the needed reform, it is absolutely essential that political control be eliminated from our prison administration, and that greater stability be impressed thereupon. We acknowledge the importance and utility of party politics. In its appropriate sphere, it has a just and noble function. But there are precious interests, in reference to which the only proper rule, as far as politics is concerned, is: "Touch not, handle not." Religion is one of these. Education is another. And, surely, the penal institutions of a state constitute a third, since they combine, in a high degree, the characteristics of both, being at once, when properly conducted, educational and religious. Of all true and permanent reformation (and this is the end of prison discipline), the leading, vitalizing, controlling elements are education and religion — the discipline of the mind and heart. The chief value of any system of prison discipline consists in the intelligence and fidelity with which its administration favors and fosters the implantation and growth of virtuous principles in the prisoners. Prison administrators ought, therefore, first, to be selected with the greatest care, and then retained during good behavior; which can never be done, so long as changes in the official staff are made merely because one political party has gone down, and another has gone up, in an election.

VIII. The task of changing bad men and women into good ones is not one to be confided to the first comers. It is a serious

charge, demanding thorough preparation, entire self-devotion, a calm and cautious judgment, great firmness of purpose and steadiness of action, large experience, a true sympathy, and morality above suspicion. Prison officers, therefore, need a special education for their work; special training schools should be instituted for them; and prison administration should be raised to the dignity of a profession. Prison officers should be organized in a gradation of rank and emolument, so that persons entering the prison service in early life, and forming a class or profession by themselves, may be thoroughly trained in all their duties, serving successively as guards, keepers, deputy-wardens, wardens of small prisons, and then, according to their ascertained merits, tested chiefly by the small proportion of reconvictions under them, as wardens of larger prisons. Thus alone can the details of prison discipline be gradually perfected, and uniformity in its application attained. For only when the administration of public punishment is made a profession will it become scientific, uniform, successful.

IX. Peremptory sentences ought to be replaced by those of indeterminate duration; sentences limited only by satisfactory proof of reformation should be substituted for those measured by mere lapse of time. The abstract justness of this principle is obvious; the difficulty lies in its practical application. But this difficulty will vanish when the administration of our prisons is made permanent and placed in competent hands. With men of ability and experience at the head of our penal establishments, holding their offices during good behavior, we believe that it will be little, if at all, more difficult to judge correctly as to the moral cure of a criminal, than it is of the mental cure of a lunatic.

X. Of all reformatory agencies, religion is first in importance, because most potent in its action upon the human heart and life. We have a profound conviction of the inefficacy of all measures of reformation, except such as are based on religion, pervaded by its spirit, and vivified by its power. In vain are all devices of repression and coercion, if the heart and conscience, which are beyond all power of external restraint, are left untouched. Religion is the only power that is able to resist the irritation that saps the moral forces of these men of strong impulses, whose neglect of its teachings has been the occasion of their being immured within prison walls.

XI. Education is one of the vital forces in the reformation of

fallen men and women, who have generally sinned through some form of ignorance, conjoined with vice. Its tendency is to quicken the intellect, expel old thoughts, give new ideas, supply material for meditation, inspire self-respect, support pride of character, excite to higher aims, open fresh fields of exertion, minister to social and personal improvement, and afford a healthful substitute for low and vicious amusements. Education is, therefore, a matter of primary importance in prisons, and should be carried to the utmost extent, consistent with the other purposes of such institutions. Schools and familiar lectures on common things, with illustrations by maps, globes, drawings, etc., should be instituted; or, rather, a prison should be one great school, in which almost every thing is made subservient to instruction in some form — moral, intellectual, industrial.

XII. No prison can be made a school of reform till there is, on the part of the officers, a hearty desire and intention to accomplish this object. At present there is no prevalent aim to this effect, and, consequently, no general results in this direction. Such a purpose, commonly entertained by prison officers, would instantly revolutionize prison administration, by changing its whole spirit; and fit reformatory processes will follow this change as naturally as the harvest follows the sowing. It is not so much any specific apparatus that is needed, as it is the introduction of a really benevolent spirit into our prison management. Once let it become the heartfelt *desire* and *intention* of prison officers to reform the criminals under their care, and they will speedily become inventive of the specific methods adapted to this work.

XIII. In order to the reformation of imprisoned criminals, there must be a serious conviction, in the minds of prison officers, that they are capable of being reformed, since no man can heartily maintain a discipline at war with his inward beliefs; no man can earnestly strive to accomplish what, in his heart, he despairs of accomplishing. Doubt is the prelude of failure; confidence a guaranty of success. Nothing so weakens moral forces as unbelief; nothing imparts to them such vigor as faith. "Be it unto thee according to thy faith," is not a mere dictum in theology; it is the statement, as well, of a fundamental principle of success in all human enterprises, especially when our work lies within the realm of mind and morals.

XIV. A system of prison discipline, to be truly reformatory,

must gain the will of the convict. He is to be amended; but how is this possible, with his mind in a state of hostility? No system can hope to succeed, which does not secure this harmony of wills, so that the prisoner shall choose for himself what his officer chooses for him. But to this end the officer must really choose the good of the prisoner, and the prisoner must remain in his choice long enough for virtue to become a habit. This consent of wills is an essential condition of reformation, for a bad man never can be made good against his will. But such a harmony of wills is, happily, neither an impossibility nor an illusion. In the Irish system it has become a reality as conspicuous as it is pleasing. It was no less so in the prisons of Valencia and Munich, under Montesinos and Obermaier. Count Sollohub has secured it in his house of correction at Moscow. And nowhere can reformation become the rule instead of the exception, where this choice of the same things by prison keepers and prison inmates has not been attained.

XV. The interest of society and the interest of the convicted criminal are really identical, and they should be made practically so. At present there is a combat between crime and law in our whole country. Each sets the other at defiance, and, as a rule, there is little kindly feeling, and few friendly acts, on either side. The criminal seeks to be as evil as he can without incurring punishment, and the law is, for the most part, content with vindicating, or in plainer terms, revenging itself, with indiscriminate severity, on as many as it can detect. It would be otherwise, if criminals, on conviction, instead of being cast off, were rather made objects of a generous parental care; that is, if they were trained to virtue, and not merely sentenced to suffering. The hearts most proof against the denunciations of vengeance are precisely those most accessible to demonstrations of real interest; and the kindness thus displayed would be "twice blessed"—blessed to those who show and those who receive it. It would be a bond of sympathy and union between them. A happy reconciliation would have taken place between interests, now too commonly regarded as antagonistic; and the prison would be made, without in the least impairing its discipline, an effective school of reform; for the conviction would have a solid basis to rest upon, that society is best served by saving, not sacrificing, its criminal members.

XVI. When a man is convicted of a felony or misdemeanor and

shut up in prison, he cannot but feel the disgrace of his crime and sentence, and a degree of degradation consequent thereupon. This is a part of his punishment, ordained by heaven itself. Beyond this, no degradation, no disgrace, should be inflicted on the prisoner. His self-respect should be cultivated to the utmost, and every effort made to give back to him his manhood. A degraded dress, stripes, all disciplinary punishments that inflict unnecessary pain or humiliation, should be abolished, as of evil influence. Instead, the penalty for prison offences should be the forfeiture of some privilege, or of a part of the progress already made towards liberation, with or without a period of strict imprisonment. There is no greater mistake, in the whole compass of penal discipline, than its studied imposition of degradation as a part of punishment. Such imposition destroys every better impulse and aspiration. It crushes the weak, irritates the strong, and indisposes all to submission and reform. It is trampling where we ought to raise, and is therefore as unchristian in principle as it is unwise in policy. On the other hand, no imposition would be so improving, none so favorable to the cultivation of the prisoner's self-respect, self-command, and recovery of manhood, as the making of every deviation from the line of right bear on present privilege or ultimate release. Such punishment would be as the drop of water that wears away the granite rock, and, without needless pain or wanton cruelty, would speedily subdue even the most refractory.

XVII. In prison administration, moral forces should be relied upon with as little admixture of physical force as possible; organized persuasion be made to take the place of coercive restraint; the object being to make upright and industrious *freemen*, rather than orderly and obedient *prisoners*. Brute force may make good prisoners, moral training alone will make good citizens; to the latter of these ends, the living soul must be won, to the former, only the inert and obedient body. Yet unsuitable indulgence is as pernicious as unsuitable severity. A struggle by the convict against opposing forces, whether in the form of inward propensity or outward temptation, is the true idea of prison discipline. A man at the bottom of a well may be lifted up by others, or make his own way to the top against intervening obstacles. The latter method affords the model for a true prison treatment. Mere lapse of time should never give his freedom to an imprisoned criminal; on the contrary, he should be required to *earn* it by well

directed effort, resulting in well assured reform. It should be no holiday work for a prisoner to win his discharge. As a rule, reformation can be attained only through a stern and severe training. It is in a benevolent adversity, whether in the freedom of ordinary life or the servitude of the prison, that all the manly virtues are born and nurtured. It is easy enough for a bad man to put up with a little more degradation, a little more contumely, a few more harsh restrictions; but to set his shoulder to the wheel, to command his temper, his appetites, his self-indulgent propensities, to struggle steadily out of his position — and all *voluntarily*, all from an *inward* impulse, stimulated by a moral necessity — this is a harder task, a far heavier imposition. And yet it is just this training that a right prison discipline must exact, and exact it till it has wrought its normal result in the reformation of the criminal, as the essential and sole condition of his restoration to freedom.

XVIII. Industrial training should have both a higher development and a greater breadth than has heretofore been, or is now, commonly the case in our prisons. Work is no less an auxillary to virtue than it is a means of support. Steady, active, honorable labor is the basis of all reformatory discipline. It not only aids reformation, but is essential to it. It was a maxim with Howard, "Make men diligent, and they will be honest." Eighty per cent of our imprisoned criminals never learned a trade — a plain indication of the sort of industrial training they need while in prison. In the central prisons of France, sixty-two distinct trades are taught. Montesinos introduced no less than forty-three in his one prison at Valencia, and gave to each convict the liberty of choosing which he would learn. Count Sollohub does the same now in his house of correction at Moscow. To teach a convict a trade is to place him out of the reach of want; it is to make him master of the great art of self-help. And unless he acquire, during his imprisonment, both the knowledge of some handicraft and the habit of work, that is, the power as well as the will to live honestly, he will, in nine cases out of ten, sooner or later, give over the struggle, and return to criminal courses.

XIX. The doctrine has been proclaimed that "none of the skilled mechanic arts are to be introduced among convicts;" and a loud clamor has been raised in this and other countries, to which governments have sometimes weakly yielded, against the alleged competition of prison labor with free labor. We denounce the doc

trine as inhuman, because it denies a right of humanity, not forfeited or alienated even by crime; and the clamor as baseless and unreasonable on the following grounds: 1. The products of prison labor, thrown into the general market, are not sufficient to interfere appreciably with those of mechanical and manufacturing labor outside. 2. It is contrary to a sound political economy to suppose that injury to the general interests of society can arise from the circumstance of a number of people being employed in making useful articles, for which there is a demand in the community. 3. Whatever might be gained by individuals through a cessation of prison labor, would be lost to society at large in the cost of maintaining the prisoners. 4. Society is benefited by the production of the greatest possible amount of values, so that if prisoners are to cease working, society must be content to be poor by the amount of profit that would accrue from their work. 5. If the labor of men *in* prison is mischievous, their labor *out* of prison must be equally so; whence it follows, by parity of reasoning, that society would be benefited by a cessation of labor on the part of people who live in a particular street, or whose names begin with a certain letter of the alphabet; and criminals, instead of being reproached for their idleness, ought to be applauded as martyrs to the public good, and as necessary though willing sacrifices on the altar of indolence. 6. If our imprisoned criminals had remained honest men, the produce of their industry would be in competition with that of the complainants, the same as it now is. Are we, then, to desire the commission of crime, that so much labor may be taken out of the labor market? If the labor of prisoners is injurious to society, an equal amount of free labor must be injurious to the same extent. Surely, the same principle applies in both cases. If not, where lies the difference? It would, we think, puzzle any chopper of logic to show that the state is at once *benefited* by the labor of all her free citizens, and *injured* by that of the small fraction who have been convicted of crime. Can any thing further be necessary to show the utter absurdity, and, consequently, the absolute futility, of the position taken by the complainants against prison labor? 7. Criminals ought surely to be made to earn their own support while undergoing their sentences, that society may be relieved, to that extent at least, of the burdens imposed upon it by their crimes. 8. Work is the basis of all reformatory prison discipline; so that if the reformation of criminals is important — a point con-

ceded by all — it is no less important that they be trained while in prison to the practice and love of labor.

XX. While industrial labor in prisons, in whatever aspect viewed, is of the highest importance and utility, we regard the contract system of prison labor as prejudicial alike to discipline, finance and reformation. The directors of the Illinois penitentiary declare that more trouble to the discipline arises from the hundred men let to contractors in that prison, than from the thousand men worked by the state. A feature of prison management of which this can be said with truth — and we do not doubt the truth of the averment — cannot stand the scrutiny now everywhere directed to it. Ultimately, it must fall; and the sooner it falls, the better.

XXI. All the most valuable parts of the Irish or Crofton prison system — the initial punitive stage of separate imprisonment, the reformatory stage of progressive classification, and the probationary stage of moral imprisonment and natural training — are believed to be as applicable to one country as to another. Whether the stage of conditional liberty, or ticket-of-leave, can be introduced into our prison systems, is matter of grave doubt with many — doubt arising from the vast reach of our territory and the multiplication of separate jurisdictions therein. We incline to the belief that Yankee ingenuity is competent to devise some method whereby this principle of the system, as well as the others, may receive practical application among us.

XXII. Prisons as well as prisoners, should be classified or graded, so that there shall be prisons for the untried; prisons for young criminals; prisons for women; prisons for misdemeanants; prisons for male felons; and prisons for the incorrigible. This idea has taken root widely and deeply in the public mind. We may well exchange congratulations on a fact so auspicious; and especially on the fact that acts for the creation of prisons for the younger class of criminals, convicted of state prison offences, have been passed in Kentucky, Illinois and New York, into which will be introduced a really reformatory discipline — also, that acts creating separate prisons for women have been adopted by the legislatures of Indiana and Massachusetts. A pressing necessity at the present moment is for district prisons or houses of correction under state management, to which misdemeanants may be sentenced, and where, after, at the utmost, one or two short imprisonments, they may be sent for terms sufficiently long for reformatory pro-

cesses to take effect upon them; or, better still, under sentences running till satisfactory proof of reformation shall have been given.

XXIII. It is believed that repeated short sentences are worse than useless — that, in fact, they rather stimulate than repress transgression in the case of habitual drunkards, prostitutes, vagrants and petty transgressors of every name. The object here is less to punish than to save. Hence, the objection to long sentences, drawn from the disproportion between the sentence and the offence, is to no purpose. This is not the question. A lunatic, who has committed no offence, but is simply afflicted with a malady that makes him dangerous, is restrained of his liberty till he is cured. Why should not the habitual violator of law, even though each separate offence may be trivial in itself, be treated in the same way? The principle of the treatment is the same in both cases—a benevolent regard to the good of the individual and the protection of society.

XXIV. Greater use should be made of the social principle in prison discipline than is now, or heretofore has been, common in our penitentiary establishments. The highest authorities concur in this judgment. It was a fundamental maxim with captain Maconochie, who, of all men, went deepest into the philosophy of public punishment, that the criminal must be prepared for society in society. His words are: "Man is a social being; his duties are social; and only in society, as I think, can he be adequately trained for it." Mr. Frederic Hill, a gentlemen of large experience as a prison inspector, first in Scotland and afterward in England, says: "When prisoners are brought together, they should really associate as human beings, and not be doomed to eternal dumbness, with their heads and eyes fixed like statues in one direction. All attempts to enforce such a system, and to carry on such a warfare with nature, must be productive of endless deception, and give rise to much irritating punishment." Count Sollohub, of Moscow, an able prison administrator and profound thinker, holds this language: "The isolation of man, the obligation imposed on him of perpetual silence, belongs to the principles against which the sentiments of the human race revolt. Man has no right to contravene the divine will. It is on this idea that the new Russian penitentiaries have been established. They do not recognize the right to impose perpetual silence; but they seek to prevent conversation becoming hurtful." The social principles of humanity are the great springs of improvement in free society;

there is no reason to think that, when duly *regulated* and fairly applied, they will prove otherwise within the precincts of a prison.

XXV. Preventive institutions, such as public nurseries, truant homes, industrial schools, etc., for the reception and treatment of children not yet criminal, but in danger of becoming so, constitute the true field of promise in which to labor for the repression of crime. Here the brood may be killed in the egg, the stream cut off in the fountain; and whatever the cost of such agencies may be, it will be far less than the spoliations resulting from neglect, and the expenses involved in arrests, trials and imprisonments.

XXVI. More systematic and comprehensive methods should be adopted to save discharged prisoners, by providing them with work, and encouraging them to redeem their character and regain their lost position in society. The state has not discharged its whole duty to the criminal when it has punished him, nor even when it has reformed him. Having raised him up, it has the further duty to aid in holding him up. In vain shall we have given the convict an improved mind and heart, in vain shall we have imparted to him the capacity for industrial labor and the desire to advance himself by worthy means, if, on his discharge, he finds the world in arms against him, with none to trust him, none to meet him kindly, none to give him the opportunity of earning honest bread.

XXVII. The successful prosecution of crime requires the combined action of capital and labor, just as other crafts do. There are two well-defined classes engaged in criminal operations — the capitalists who furnish the means, and the operatives who work the machinery. There are four classes of criminal capitalists — the owners of houses affording domiciles and places of entertainment to the depredators, the buyers of stolen goods, the pawnbrokers who lend money on such property, and the makers of burglarious and other criminal instruments. The criminal capitalists, being comparatively few, and much more sensitive to the terrors of the law, present the most vital and vulnerable point of the organization. It is worthy of inquiry, whether society has not made a mistake in its warfare upon crime. The law now strikes at the many operative plunderers, one by one; would it not be wiser to strike at the few capitalists, as a class? Let it direct its blows against the connection between criminal capital and criminal labor, nor forbear its assaults till it has wholly broken and

dissolved that union. We may rest assured, that when this baleful organization shall be pierced in a vital part, it will perish; that when the corner stone of the leprous fabric shall be removed, the building will tumble into ruins.

XXVIII. Since personal liberty is a right, as respectable as the right of property, it is plainly the duty of society to indemnify the citizen who has been unjustly imprisoned, as it indemnifies the citizen from whom it has taken his field or his house for some public use.

XXIX. Criminal lunacy is a question in which the whole community has a vital interest; and facts show that our laws regarding insanity, in its relation to crime, need revision in order to bring them to a conformity to the demands of reason, justice and humanity. To this end a commission should be formed of the ablest mental pathologists and criminal jurists, who should be charged with the duty of investigating this whole question, and of suggesting such provisions as would be suitable for enactment into law; so that, when insanity is pleaded in bar of conviction, the investigation may be conducted with greater knowledge, dignity and fairness, criminal responsibility be more satisfactorily determined, the punishment of the sane criminal be made more sure, and the restraint of the insane be rendered at once more certain and more humane.

XXX. While this congress would not shield the convicted criminal from the just responsibility of his misdeeds, it arraigns society itself as in no slight degree accountable for the invasion of its rights and the warfare upon its interests, practised by the criminal classes. In attempting to weigh the ill desert of criminals, it is too common to ignore the degree in which their follies and foibles, leading to crime, are the natural, almost indeed the inevitable, result, either of the circumstances in which they were born, or of the indifference, the neglect, even the positive injustice of their more favored brethren; insomuch that what we are compelled by duty to society to punish as criminality is, in truth, misfortune not less than fault. Surely, then, the whole guilt, incurred by their offences, is not theirs; but no inconsiderable part of it rests on the shoulders of society. Does society take all the steps it easily might, to change, or at least to improve, the circumstances in our social state that thus lead to crime? or, when it has been committed, to cure the proclivity to it generated by

these circumstances? It cannot be pretended. Let society, then, lay the case earnestly to its conscience, and strive to mend in both particulars. Offences must come, but a special woe is denounced against those through whom they come. Let us take heed that that woe fall not upon our head.

XXXI. The exercise of executive clemency, in the pardon of criminals, viewed as a practical question, is one of grave importance, and, at the same time, of great delicacy and difficulty. Of the fifteen thousand criminals confined in the state prisons of the United States, fifteen hundred, that is, ten per cent, not counting those released under commutation laws, were pardoned during the last year; and this proportion was rather below than above that furnished by the statistics of former years. In some states, the average proportion of pardons has reached the extraordinary figure of thirty to forty per cent; and, even in Massachusetts, the annual average, during the entire history of her state prison, has been twenty per cent. The effect of this free use of the pardoning power is, in one word, to demoralize the prison populations of the land. The hopes of all are thus more or less excited; their minds are unsettled; they never become reconciled to their lot; the discipline of the prison is disturbed; the labor of the prisoners has less heart and, of course, less profit in it; and their reformation is impeded, if not defeated, by having their thoughts directed to another and inferior end. The prerogative of pardon is accompanied by a solemn responsibility. The executive head of the state, as a general rule, should not use it, except to prevent the infliction of a wrong on an innocent person. Neither official patronage, nor sympathy, nor generosity, affords a lawful occasion or a valid justification for its use. All exercise of clemency on such grounds must be partial, and therefore unjust; and, under it, what may be a kindness to one will be an injury to others. The logical issue of this reasoning is, that the prerogative of pardon should be exercised on some principle, and agreeably to some fixed rule. This power cannot rightfully be used on the ground that the convict's continuance in prison is a misfortune and a loss to himself and family; or on the ground that his friends think he was unjustly convicted; or on the ground that his neighbors are anxious for his release, and express that anxiety in long and earnest petitions; or even on the ground that the prosecuting attorney who tried the case and the judge who pronounced the sentence

recommend it. In what cases, then, and for what reasons, may a pardon be properly granted? We answer: 1. In all cases where it can be made to appear that, since the conviction of the prisoner, such facts have come to light as would, if produced upon his trial and taken in connection with the proof on which he was convicted, have established his innocence. 2. In all cases where it can be made to appear that such newly discovered proof, if given upon the trial, would have so far mitigated the offence charged, as to entitle the criminal to a lighter sentence than the one imposed upon him. In the former of these classes of cases, it would be not only the right but the imperative duty of the executive to grant an instant discharge to the prisoner, not as an act of grace, but as the correction of a grievous wrong; and it would be the duty of society to indemnify the sufferer for the wrong done him. In the latter class, it would be equally the duty of the executive to remit such portion of the sentence as justice might seem to demand. But the new proof had need consist of well-established facts, subject to the same rules of evidence as though offered upon the trial. Not supposition, or hearsay, or sympathy, or impressions, or surmises, or entreaties, but *facts*, clear and indubitable, can be accepted as the legitimate ground for executive interposition. There may be other isolated and extraordinary cases, in which clemency may be properly extended to imprisoned criminals; but these would have to be decided upon their special claims and merits; and generally, no doubt, there would be some recognized principle that would control the decision.

XXXII. The proper duration of imprisonment for a violation of the laws of society is one of the most perplexing questions in criminal jurisprudence. The law fixes a minimum and maximum for the period of incarceration, leaving a broad interval between the two extremes, so that a wide discretion is left to the courts in determining the length of each individual sentence. We offer a few instances of the manner in which this discretion is used: one man was sentenced to the Maryland penitentiary for ten years for stealing a piece of calico worth only ten dollars; another was sentenced for the same term for perpetrating an atrocious homicide. Two brothers in Maine were convicted of larceny, under circumstances of about equal aggravation. They were both sentenced to the state prison, but by different judges — one for one year, the other for six. Three men in Wisconsin were convicted of forgery.

The first forged a check for $3,000 — his third offence — and was sentenced to state prison for four years. The second forged a note for eleven dollars — his first offence — and was sentenced for four years. The third forged a check for several thousand dollars, and was sentenced for but one year! In Massachusetts one man passed three counterfeit five dollar bank notes, and was sentenced to state prison for fifteen years; another passed four twenty dollar notes, and was sentenced for only four years. One man, for having in his possession ten counterfeit bank bills, was sentenced for one year; another who had committed the same offence, for twelve years. Surely, such inequalities — and they are occurring every day — are beyond all bounds of reason. They engender great dissatisfaction among prisoners, and the discipline suffers in consequence. No logic can possibly convince a man that it is just that he should suffer the same penalty for stealing a piece of calico that is inflicted on another for a homicide; or that he should have four years imprisonment for forging a note of hand for eleven dollars, while another gets but one for forging a check for thousands; or that for passing fifteen dollars in bad money he should serve a term of fifteen years in state prison, while his neighbor is let off with but four years for passing eighty. Obviously, this is an evil to which some remedy ought to be applied. What that remedy shall be — whether judicial discretion shall be confined within narrower limits, whether the single judge who tries shall simply send the convict to prison, leaving the term of imprisonment to be fixed by the full bench, or whether some other measure shall be deemed more fit and effective — we leave to the determination of statesmen, content to have indicated our belief that there is a wrong here that needs to be righted.

XXXIII. The science of statistics, especially as relating to crime and criminal administration, is too little appreciated, and therefore too much neglected, in the United States. The laws of social phenomena can be ascertained only by the accumulation, classification and analysis of facts. Returns of such facts, carefully gathered and skillfully digested, can alone show the true character and working of any system of prison discipline. But the local and the special are here to little purpose; it is the general, only, that has value; that is, returns so numerous and drawn from so wide a field, as to give real significance to the results. The problem is, how to gather, collate and reduce to tabulated forms, upon

some uniform system, the facts which we want. In a country so vast as ours, with distinct penal jurisdictions in every state, and the general government powerless as regards legislation in this department, it is evident that such a result can be effected, if effected at all, only by moral power; and such power, as it seems to us, can be effected only in one or other of two ways: either, first, by the institution of a national prison discipline society, with competent working committees in each state; or secondly, through the establishment, by the general government of a national prison bureau, charged with the duty of devising and promulgating the best forms for prison registers; the best system of recording criminal proceedings; the best mode of tabulating penal statistics; and the best means of securing the preparation of comprehensive, scientific and accurate prison returns. The model for such a bureau we have in the recently instituted national bureau of education. Doubtless, it would cost its annual thousands; but, indirectly it would save the nation its annual tens of thousands. Let it be remembered, that crime is the foe against which we war, a mischief great and multiform; and it is to lead the battle and suggest the best methods of assault, that this bureau is needed. The conflict must be bold, skillful, sleepless, and with weapons of love rather than of vengeance. So assailed, the evil will yield, slowly no doubt, but surely, to the attack.

XXXIV. In previous propositions, we have declared our judgment as to the value of education in prisons and the importance of cultivating the manhood and self-respect of the convict; we now add the declaration of our belief, that both these ends would be materially served by the establishment, under competent editorial guidance, of a weekly newspaper designed for, and adapted to, the wants of imprisoned criminals. Any man, removed for years from active participation in the affairs of life, must have some facility of this sort to enable him to keep pace with passing events. In the nature of things, it must be difficult, if not impossible, for a person, after the seclusion of a long imprisonment, to succeed in the competitions of life; and it seems a duty of society to fortify his purposes and chances of amendment by affording him, during his incarceration, such a knowledge of the world and its doings as may be requisite to success. No better means to this end occurs to us than the general diffusion among prisoners of a newspaper of the character here suggested.

XXXV. Prison architecture is a matter of grave importance. It is impossible, in a brief statement such as is alone suited to the purposes of this paper, to express fully our views on this question. Mere hints, few and brief, are all that can be attempted. Prisons of every class should be substantial structures, affording gratification, by their design and material, to a pure taste, but not costly or highly ornate. The chief points to be aimed at in prison construction are security, perfect ventilation, an unfailing supply of pure water, the best facilities for industrial labor, convenience of markets, ease of supervision, adaptation to reformatory aims, and a rigid economy. Costly materials and elaborate adornments are not essential to any of these ends, and are subversive of the last. It was a saying of Jeremy Bentham, that "a prison should be so arranged that its chief officer can see all, know all, and care for all." We subscribe to the sentiment. The proper size of prisons is a point of much practical interest. Prisons containing too many inmates interfere with the principle of individualization, that is, with the study of the character of each individual prisoner, and the adaptation of the discipline, as far as practicable, to his personal peculiarities. It is obvious that the application of this principle is possible only in prisons of a moderate size. In our judgment, three hundred inmates are enough to form the population of a single prison; and, in no case, would we have the number exceed five or six hundred.

XXXVI. The organization and construction of prisons should be by the state, and they should form a graduated series of reformatory establishments, with facilities for further classifying the inmates of each; they should be constructed with a view to the industrial employment, intellectual education and moral training of the criminals.

XXXVII. As a general rule, the maintenance of all penal institutions, above the county jail, should be from the earnings of their inmates, and without cost to the state. Yet the true standard of merit in their management should be the rapidity and thoroughness of reformatory effect, which is to be sought through the healing and harmonious development of the body, the mind, and the moral nature; and prisoners should be restored to society only at such times and on such conditions as shall give good hope of future rectitude.

XXXVIII. A right application of the principles of sanitary

science in the construction and arrangements of prisons is another point of vital importance. The apparatus for heating and ventilation should be the best that is known; sunlight, air and water should be afforded according to the abundance with which nature has provided them; the rations and clothing should be plain, but wholesome, comfortable, and in sufficient but not extravagant quantity; the bedsteads, beds and bedding, including sheets and pillow-cases, not costly but decent, and kept clean, well-aired and free from vermin; the hospital accommodations, medical stores and surgical instruments should be all that humanity requires and science can supply; and all needed means for personal cleanliness should be without stint.

XXXIX. The principle of the pecuniary responsibility of parents for the full or partial support of their criminal children in reformatory institutions has been extensively applied in Europe, and, wherever tried, has been found to work well in practice. No principle could be more just or reasonable. The expense of such maintenance must fall on somebody; and on whom can it fall more fitly than on the child's parent, whose neglect or vices have probably been the occasion of its lapse into crime? Two advantages would be likely to result from the enforcement of this principle: first, it would relieve the public, in part, of the burden of supporting its neglected and criminal children; but, second, and chiefly, the fear of compelled contribution for the support of their children in a reform school would be a strong motive with parents, in the absence of higher ones, to a greater care of their education and conduct, that so the burden entailed by their criminal practices might be avoided.

XL. It is our intimate conviction, that one of the most effective agencies in the repression of crime would be the enactment of laws, by which the education of all the children of the state should be made obligatory. Better to force education upon the people than to force them into prison to expiate crimes, of which the neglect of education and consequent ignorance have been the occasion, if not the cause.

XLI. As a principle that crowns all and is essential to all, it is our conviction that no prison system can be perfect, or successful to the most desirable extent, without some central and supreme authority to sit at the helm, guiding, controlling, unifying, vitalizing the whole. No wiser words were uttered by the committee of

1850 on prison discipline, in the British parliament, than their declaration that "it is desirable that the legislature should intrust increased power to some central authority." Without such an authority, ready at all times for deliberation and action, there can be no consistent and homogeneous system of administration, no well-directed experiments, no careful deductions, no establishment of broad principles of prison discipline, nor any skillfully devised plans for carrying such principles into effect. But under a central board or bureau, improvements of every kind could be readily introduced, and that, too, in the safest manner, by first trying the plan proposed on a small scale and under the best circumstances for insuring trustworthy results, and then, if successful, gradually, under the guidance of experience, extending the sphere of its operations. We ardently hope yet to see all the departments of our preventive, reformatory and penal institutions in each state moulded into one harmonious and effective system; its parts mutually answering to and supporting each other; and the whole animated by the same spirit, aiming at the same objects, and subject to the same control, yet without the loss of the advantages of voluntary aid and effort, wherever they are attainable.

XLII. Resolutions passed by the Congress.

N. B. In addition to the principles enunciated in the "platform," the congress, in the course of its proceedings, adopted a number of resolutions, embodying principles of discipline, and, though printed in the official report as they were severally adopted, the publishing committee have judged it best to group them together, and print them consecutively, in juxtaposition. The resolutions are as follows:

Resolved, That light, diet and discipline are points in prison management of vital importance, and this congress announces as its judgment thereupon the following principles:

I. LIGHT.

In the construction of prisons, provision should be made for supplying sunlight to the prison apartments, to the same extent as to apartments occupied by citizens generally. Artificial light for the purposes of study should be furnished at evening, for reasonable hours, to all prisoners who can be induced to use it. A separate light in each room is the best plan.

II. DIETARIES.

The food for adult prisoners should be of sufficient quantity to maintain satisfactory physical conditions. The demands of prisoners as to quantity and quality should not always govern the supply, for they should be required to use food economically — to waste nothing; and the best criterion of their needs in this particular is not their own notion, but their observed physical condition. Experience teaches that, with improved conditions as to health and mental development, the appetite demands and the system requires a better quality and greater variety of food than is now usually supplied to prisoners. In a graduated series of establishments different dietaries must be introduced, and they may be made a means of reformatory progress among the prisoners.

III. DISCIPLINE.

The infliction of physical pain upon persons should always be for the purpose of securing obedience in the future, and never to satisfy offended dignity or to mend a broken rule, or (except in

extraordinary circumstances) to produce an impression upon other prisoners. It should be done privately and deliberately, and with regard to the restoration of the prisoner to right relations, with his self-respect and manhood remaining. The common use of the "dark cell" should be changed by the introduction of light, and by requiring the prisoner to maintain a standing position for a few hours only, when he should be released and taken to the ordinary cell for the night, and returned to the standing position in "solitary" after breakfast each morning, day by day (if he is sane and morally responsible), until he consents heartily to the proper authority of the officers.

Resolved, That district prisons, intermediate between the state prison and the county jail, are a necessary part of a complete prison system, and, in the opinion of this congress, such district prisons ought to be established in all states where they do not now exist.

Resolved, That, as the sense of this congress, in the administration of all classes of prisons, the paramount object should be moral and religious improvement, and that this is compatible with industry on the part of the prisoners and economy on the part of its officers; that the desire to make a prison a source of revenue, or even self-sustaining, should never be allowed to supersede those more important and ever-to-be-remembered objects — moral and religious improvement.

Resolved, That each system of juvenile reformatories has its merits, and may be used to advantage, but this congress expresses no preference for either the family or the congregate system; that the important agency for reformation is found in warm-hearted, clear-headed men and women, who, in the spirit of Christ, wield their kind personal influence for this end.

Resolved, That it is the sentiment of this congress that the great principles of christian love and kindness should be applied to the utmost extent practicable in the management of our prisons and reformatories.

Resolved, That this congress is of the opinion that separate prisons should be established for women, and that neither in city, county nor state prisons should women be incarcerated with men; and further, that women should have charge of the female department in all cases where the sexes are imprisoned within the same inclosure.

Resolved, That the best moral and reformatory results of

prison discipline are compatible with pecuniary self-support, but that such support is only partially attainable in juvenile preventive and reformatory institutions.

Resolved, That every able-bodied adult convict ought to be self-supporting, and that such self-support should be held to include his share of the common expense of the institution.

N. B. The publishing committee find, among the papers that came into their hands, the following resolutions, concerning which they feel uncertain whether they were passed by the congress or not. They are not found so recorded in the official report of the proceedings, yet they might have been acted upon favorably, and at the same time inadvertently omitted from the record. In this uncertainty, they deem it the best course to publish them here, particularly as some of them contain principles of much importance. The first was offered by Mr. Gleason, of the St. Louis (Mo.) house of refuge; to the others no names were attached:

Inasmuch as there appears to be a general desire, on the part of prison wardens and superintendents of schools for the reformation of juvenile delinquents, to know definitely what methods of discipline are resorted to in the different penal and reformatory institutions of this country; therefore

Resolved, That the wardens of all penitentiaries and the superintendents of all reformatories for juvenile delinquents, in the United States, are hereby respectfully requested to publish in their annual reports, hereafter, the precise character, *in detail*, of all punishments resorted to in the institutions which they represent, the *daily average number* of inmates subjected to each mode of punishment, together with the extent and duration of such punishment.

Resolved, That each of the two systems of juvenile reformation — the congregate and the family — has its merits, and may be used to advantage, since the essential agency for reformation is found in warm-hearted, clear-headed christian men and women, who, in the spirit of Christ, patiently wield to that end all their resources of ability, experience, skill and influence.

Resolved, That it is the sense of this congress that the managers of prisons and reformatories should submit to a careful examination all applicants for places therein to ascertain their qualifications and fitness, and that the tests applied should embrace evidences

of general education and knowledge, of good moral character, of an acquaintance with the objects to be aimed at, of the methods to be employed in the management of criminals, of the agencies of reform and their application, of the utility of productive labor and of mental and moral culture, and of a just appreciation of the rights and duties of citizenship.

Resolved, That this congress has listened with profound interest to the very able paper of M. Bonneville de Marsangy, of France, on the institution of the Criminal Register. We see many difficulties in the way of its introduction into our country, owing to the large number of jurisdictions existing among us on account of our system of states; nevertheless, we regard it as worthy of earnest inquiry and study whether these difficulties may not be overcome, and whether an invention, so admirably contrived for ascertaining the antecedents of criminals, may not be successfully incorporated into our criminal administration; believing that, if it can, its utility will be great and manifold.

XLIII. Letters received and read before the Congress.

1. From Señor Ignacio Marischal, Minister Plenipotentiary from the Republic of Mexico.

New York, *October* 5, 1870.

Mr. Enoch C. Wines, *Corresponding Secretary of the New York Prison Association:*

Sir,—In answer to your polite letter of the 3d inst., I beg to say that the state of my health and some official business prevent me from accepting your courteous invitation to attend the national prison congress in Cincinnati. Nothing could be more interesting for me than to witness the important debates of said congress, from which, I am sure, unquestionable good will be derived for humanity in general, and in particular for this ever-progressing republic, no less than for the other American states, whose representatives are fraternally invited.

Among those nations, sir, Mexico can be noticed at present as taking the United States for a model in political and humanitarian institutions. Consequently, she may particularly profit by the transactions of that congress, composed, as it will be, of the most experienced and philanthropic members.

I request, therefore, as a favor, to be informed of its proceedings, so far as they may be published, that I may communicate them to my government, calling its attention to their transcendent importance. Very respectfully, sir,

your most obedient servant,

IGNº MARISCHAL.

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2. From Señor J. Perez, Minister Plenipotentiary from the Republic of Colombia, South America.

Legacion de los Estados Unidos de Colombia,
New York, *October* 6, 1870.

Mr. E. C. Wines, *Corresponding Secretary New York Prison Association:*

Sir, — I have the honor to acknowledge receipt of your kind invitation to the national prison congress, that is to take place in Cincinnati the present month.

According to your wishes, and profiting of the certificates of membership, the secretary of the Colombian legation is already gone to attend the important labors of that illustrious body.

I am, sir, your most obedient servant,

J. PEREZ.

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3. From Señor A. R. ANSADO, Attaché of Legation of Ecuador, South America.

LEGACION DEL ECUADOR,
NEW YORK, *October* 8, 1870.

Rev. E. C. WINES, *Corresponding Secretary New York Prison Association:*

SIR, — In answer to your kind invitation (received only yesterday from Washington) to the members of this legation, to attend the national prison congress at Cincinnati, Ohio, I much regret to state that pressure of official business will prevent the members of this legation being present at a convention which has for its motive so laudable and desirable an object.

Assuring you of our cordial sympathy with the movement, I beg to remain, sir, your obedient servant,

A. R. ANSADO,
Attache Legation of Ecuador.

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4. From his Excellency Señor MANUEL R. GARCIA, Minister Plenipotentiary of the Argentine Republic, South America:

LEGACION ARGENTINA, EN LOS ESTADOS UNIDOS,
WASHINGTON, *October* 5, 1870.

SIR, — Official business will deprive me of the pleasure of accepting your most generous invitation to assist at the congress of Cincinnati, which tends to the reform and discipline of penitentiaries.

I feel grateful for the honor of being appointed a member of said meeting.

All things connected with the discipline and reform of *penitentiaries* are highly interesting to the Argentine Republic, which is always anxious to partake of the opinions promulgated by competent persons of the country so worthy of being a model to all free nations.

Wishing you the happiest success, believe me your obedient servant,

MANUEL R. GARCIA.

5. From Miss MARY CARPENTER, Author of "Our Convicts," etc.

BRISTOL, ENGLAND, *September* 27, 1870.

DEAR SIR—I send you, herewith, my paper on "Parental Responsibility," etc. If you think proper, will you be kind enough to assure the council of my sense of the honor they conferred on me by their invitation, and of the *very* great pleasure it would have afforded me to accept it. I trust to meet many of the members next year in England.

I remain, dear sir, yours, truly,

MARY CARPENTER.

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6. From FREDERIC HILL, Esq., Author of "Crime: its Amount, Causes and Remedies."

LONDON, *July* 28, 1870.

MY DEAR SIR, — Had it been possible, it would have given me much pleasure to accept your cordial invitation to attend the prison congress at Cincinnati, next October. It is very important, in the interest of prison reform, that the congress should express a clear and decided opinion on the subject of the useful and industrial employment of prisoners. It is in America that this employment has been carried to the greatest extent, and therefore the deliberate opinion of an American congress must bear great weight. Even at a meeting of the reformatory section of our social science association lately, doubts were thrown on the beneficial results of productive labor in prison, and a belief was expressed that in America the opinion in its favor was on the decline.

As you will see by the copy I send you of our sessional proceedings, dated June 2d, Mr. Hennaway, M. P., Mr. Tallack and I combated this opinion; but, as it will be sure to re-appear, it is desirable that, as speedily as possible, we should be armed with indisputable evidence on the matter.

You are so well acquainted with my views on the subject, whether in relation to moral reform or political economy, for you have done me the honor to bring them forward in the report of the New York Prison Association for 1868, and are so fully aware of my experience as an inspector of prisons, in favor of productive labor, that it must be quite unnecessary for me to give facts and arguments in the case.

With sincere wishes for the successful result of your congress,

Believe me, yours very truly,

FREDERIC HILL.

The Rev. E. C. WINES, D.D., etc.

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7. From the Hon. JOHN EATON, United States Commissioner of Education.

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,
WASHINGTON, D. C., *October* 12, 1870.

Rev. E. C. WINES, D.D., *Corresponding Secretary New York Prison Association, Cincinnati, Ohio:*

SIR,—I am reminded that the national congress on penitentiary and reformatory discipline opened last evening, and that I have not replied to your several invitations to attend. The clerical force allowed this bureau is so small, compared with the work to be done, that it will be impossible for me to leave just now.

This I regret exceedingly. The subjects before the congress are of vital and far-reaching importance, and stand all along over against the work every educator has to do, as the prison stands over against the school.

The array of eminent names from this and other countries, to whom these discussions have been assigned, gives good assurance of their value, and of the attention they should command. I need the benefit of their observations and opinions, and should enjoy also the opportunity there would be afforded of conferring with you and others upon the plans I have in mind in reference to the relations of this vast interest in our land to education.

Persons entering various classes of criminals cannot be followed by our communities too carefully. If neglected, they may greatly multiply criminals, as well as the destructiveness of crime to property and life, and the expense of detection and punishment. Our very places of punishment may become schools of crime, sending out their invitations so covertly, and in forms of vice so plausible and studied, as to draw recruits from the most hallowed shrines of home and church.

Whereas, as experience has shown, if these classes of juvenile and adult male and female criminals are properly and wisely treated, three-fourths of the juveniles and a very considerable number of the adults will become good and useful members of society and a blessing to their families, and the preponderance of

the influence from these institutions be in favor of virtue rather than vice.

How much a correct understanding of the relation to crime of the training of the young in the family, the school and society would reduce the number of criminals, no one has been able to tell.

Hoping some benefit might arise from putting the facts relating to prisons and reformatories over against those relating to schools, I am endeavoring to gather all I can, appropriately, in reference to these institutions in my forthcoming report. The nation owes it to itself that these facts should be put together. Indeed, below our institutions for learning or punishment, society has yet to push its remedies for many of these evils, especially in the cities, and I have been endeavoring, and—I must confess—with meagre facilities for success, to gather the facts in regard to the number of children in our cities who are without homes and without employment, and who do not attend school of any kind. This class, in Philadelphia, has been stated at 20,000; in New York city, I can only get estimates. Few cities afford even an opportunity for the assimilation of every child to virtue; some children seem to be absolutely excluded from all chances of a virtuous life.

Since my last note to you, I have been looking over our material for this part of the report, and find much in your last report directly to my purpose. I shall be happy, too, if I can avail myself of any thing which comes from this congress. Its collections and expression of experiences and opinions are greatly needed to keep our prisons and reformatories within the christian movements of the age. Society can no longer excuse itself for the destruction of these classes. It cannot afford to neglect them, nor to allow any increase of them, which can be prevented by humane and christian effort.

Those who are engaged in the care of these institutions and heir improvement need such an expression of sympathy and wisdom in reference to their endeavors. The public mind, too, needs a presentation of this interest as conspicuous and forcible as we may expect from this national congress. The press undoubtedly will catch its utterances and carry them to every reader in the country.

Very respectfully, your obedient servant,

JOHN EATON, Commissioner.

8. From his Excellency, HENRY R. BALDWIN, Governor of Michigan.

DETROIT, *September* 24, 1870.

The Rev. E. C. WINES, D.D., *New York:*

SIR, — The proposed national congress on penitentiary and reformatory discipline, to be held in the city of Cincinnati, October 11th to October 20th, has my most hearty approval; and I should deem it both a duty and a pleasure to be personally present during its discussions, if not prevented by obligations of a paramount character. I regret that my engagements and duties are such as will prevent me from attending the sessions of that body.

I have appointed the following named persons to take part in the deliberations of the congress: Hon. Charles J. Walker, Hon. Francis H. Rankin, and S. S. Cutter, M.D.

Very respectfully,

HENRY R. BALDWIN.

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9. From his Excellency, ROBERT H. SCOTT, Governor of South Carolina.

COLUMBIA, *October* 4, 1870.

Rev. E. C. WINES, 38 *Bible House, New York:*

SIR, — I have the honor to acknowledge the invitation extended to me by the committee of arrangements to attend the "national congress on penitentiary and reformatory discipline;" and, in reply, have to say, that my official duties preclude the possibility of my personal attendance, and I depute General Carlos J. Stolbrand, superintendent of the penitentiary of this state, and Major E. L. Dean, to represent South Carolina in said congress.

Hoping that the occasion may prove a profitable one, as well as pleasant,

I have the honor to be, very respectfully, yours,

ROBERT H. SCOTT, *Governor.*

JOHN HEART, *Private Secretary.*

10. From Oliver S. Strong, Esq., President of the Board of Managers of the New York House of Refuge.

Society for the Reformation of Juvenile Delinquents,
New York, *October* 11*th*, 1870.

Hon. President of the International Congress on Prison Discipline and Reform, Cincinnati:

Sir,—Owing to circumstances over which I have no control, I find, very much to my regret, that I shall be prevented from keeping my promise to attend the convention now sitting in Cincinnati. The subjects which will occupy the members of this convention have been matters of deep thought to me for many years past, and in one department my connection with the house of refuge in this city has given me the opportunity of learning the importance and necessity of reforming the juvenile offender; and the success which has attended the efforts of our own and kindred institutions in this direction has encouraged and urged myself and others to labor with unabated effort.

It is, therefore, with great reluctance and regret that I yield to claims of a pressing nature, which I cannot put aside, and thus forego the pleasure and the advantage which I am sure would result to myself by attending your sessions.

With the assurance of my most hearty sympathy in the cause in which the members of the convention are engaged and interested,

I remain most respectfully yours,

OLIVER S. STRONG.

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11. From Geo. W. Searle, Esq., Counselor at law, and Corresponding Member of the New York Prison Association.

Boston, 10*th October*, 1870.

Dear Sir, — I duly received your note of invitation to, and the programme of, the prison congress to be held at Cincinnati, for which accept my thanks. I need not tell you that the topics interest me, and that it would afford me hearty satisfaction to listen to the suggestions of others, and to take some small part in the deliberations of a body which, it is plain to foresee, must be historical; but my engagements here will prevent the satisfaction of being present. I see in the elaborate programme of topics a complete outline of the leading questions of prison reform, and in the names of the gentlemen who are appointed to discuss them, you have given assurance that the discussions will elicit all that strong

minds, well cultivated in such studies, and aided by long and intimate practical experience, can impart.

It is by such assemblages that the true principles of prison economy will eventually be evolved and established. No nobler work can be committed to men than this of elevating the lost portion of humanity. No congress in history — political, scientific or ecclesiastical — can, in moral significance, surpass this prison congress, which you propose to hold in Cincinnati. A certain false sentimentality in regard to prisons is, it seems to me, too prevalent. There is need of a more practical wisdom. The state, on the one hand, needs no victims; and, on the other, it should make no martyrs. Prison life should be made, if possible, the means of reformation. How this can best be accomplished is a wide question; but that it is the real question is beyond doubt. It is a reasonable hope that good progress will be made toward its solution by this congress. I shall watch with interest your proceedings, as reported by the press; and should your deliberations be published in a more durable form, the volume containing them cannot fail of being a material contribution to the literature of social science, and to the statesmanship which deals with social evils, and seeks for them a curative legislation.

I remain, very truly yours,

GEO. W. SEARLE.

Rev. Dr. E. C. WINES, etc., etc.

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12. From Mrs. ELIZABETH B. CHACE, President of the Board of Female Visitors to the Penal and Reformatory Institutions of Rhode Island.

VALLEY FALLS, R. I., *October* 1, 1870.

Rev. E. C. WINES:

RESPECTED SIR, — I exceedingly regret that imperative domestic duties will render it impossible for me to attend the congress on penitentiary and reformatory discipline. I regret this the more, because I earnestly hope that the whole subject of the treatment of unfortunate and criminal women will claim thorough consideration and discussion in that convention. The public sentiment which condemns a woman to imprisonment and entire loss of reputation, and then pronounces her reformation hopeless, for a crime of which she could not be guilty alone, while the same offence is not treated as criminal in men, fills our penal institu-

tions with women of this class, while the men, being sent there for vices of a less debasing character, are considered more hopeful subjects of reform. The result of this sentiment is a corresponding difference in the treatment of the two classes, eminently unjust to both. For, while the men are constantly influenced by the expectation which is held out to them, that they may become virtuous and useful members of society, it is impossible to bring the influence of such a hope upon the women, when there is no belief in the possibility of such a change for *them*. The result is, the women go out hopeless for themselves, and the men, of course, remain unreformed in the vice for which there is, for them, no legal, and scarcely any social, condemnation.

In close relation to this subject, and quite inseparable from it, is the question whether, in institutions intended to be reformatory, the men and the women should not, under proper care, protection and instruction, be brought occasionally into the presence of each other, in circumstances where they might be taught something of their true relations, and so be better fitted to meet together out in the world, when they are released. One other question, in connection with this subject, I hope will be considered in the convention, and that is, the best employment for the women in these institutions. At present, it seems to me they are too much confined to work which is required to be done in families, and then, when they go out, there being few families who will receive them, they are almost forced back to their old ways to obtain a livelihood; whereas, men are more generally taught trades, both useful and profitable, which they find little difficulty in practising, when they are released, in shops, factories and on farms, where, indeed, the same public sentiment which regards them so much more leniently than it does erring women, is far more ready to employ them.

Such are the considerations which, I doubt not, will be deemed at this hour to be among the most important, and I trust they will receive at the convention the attention which their importance demands.

Respectfully yours,

ELIZABETH B. CHACE,

One of the Board of Visitors to the Penal and Correctional Institutions of Rhode Island.

13. From Ira S. Haseltine, late a Member of the Legislature of Wisconsin.

Richland Centre, Wis., *Oct.* 4, 1870.

Rev. E. C. Wines:

Sir, — Your kind invitation of September 10th to attend the Cincinnati reformatory congress is received, and the principles of prison discipline suggested for the consideration of the convention I have examined with much interest. I highly appreciate your noble efforts in behalf of this large class of unfortunate people. I had the honor to originate, introduce, and successfully carry through the Wisconsin legislature, in 1867, an act for establishing a school in our state prison. Such school has proved an entire success for the last three years. I believe that all of our prisons should be made reformatory schools; that many of the convicts have *inherited* moral weakness and deformity from their ancestors; that their education has been neglected in childhood, and unfavorable circumstances surrounded them in their youth; that, in many instances, the *licensed* institutions of state governments, the living, breathing *hells* of intemperance, gambling and other vices, planted and encouraged by state legislatures, have demoralized and falsely educated our youth. These things can admit of no doubt. So that, really, the state governments are responsible for many of the crimes which are afterward punished in our prison houses with a spirit of vengeance. Governments — society — must be held responsible, to a great extent, for the influences which develop crime. If we had thrown around these unfortunate people a superior order of circumstances in their youth, we should have developed a superior order of manhood. It now becomes the duty of society and of government to repair, if possible — and it is possible by the aid of right methods — the injury done to these people by our neglect; to restore their moral natures, as far as may be, by educational and other reformatory influences, and by reasonable restraint, in the spirit of kindness, until such time as we may establish a healthy action of their intellectual and moral faculties. We must view each individual character as the result of *nature* and surrounding *circumstances*. Would we develop a higher order of humanity, we must observe the laws necessary to produce such an effect.

Sir, not being able to attend your convention, I send you some testimony in relation to the success of our prison school.

With my thanks for your kind invitation, and most fervent prayers for your success in such a noble humanitarian effort,

I remain, very respectfully,

Your friend and co-worker,

IRA S. HASELTINE.

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14. From the Rev. JOHN R. AGNEW, Chaplain of the State Penitentiary of Missouri.

JEFFERSON CITY, Mo., *September* 22, 1870.

Rev. E. C. WINES, D.D.:

DEAR SIR, — As it will be impossible for me to attend the prison congress, allow me to make a single suggestion to that body. Is it right, in punishing the prisoner for his crime, so to arrange it that his family cannot be benefited by his labors, and thus be subjected to great suffering, and also temptation to crime?

One of the convicts here said to me, that he would "be willing to make two dollars a day for the state, if they would allow him whatever over that he might gain." The present plan, I have no doubt, with *many* is, *to do as little as they can* for the state, because nothing is allowed them for themselves or their families. Could not men be employed at salaries to oversee the work, and give to the men a percentage of all made, after necessary expenses? This would stimulate the men to work, and would also make them watchful of the honesty of those overseeing them, and salaried. I merely suggest the idea.

Surely, the congress will regard, in their deliberations, the demands, not only of justice and of society, but also the calls of mercy from the little children and the wives and relatives dependent, in a great measure, upon those convicted of crimes.

Yours very truly,

JOHN R. AGNEW,

Chaplain Missouri State Penitentiary.

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15. From JOHN M. CLARK, Sheriff of Suffolk county, Massachusetts.

BOSTON, *Sept.* 25, 1870.

E. C. WINES, D.D., *New York:*

DEAR SIR, — I regret to be obliged to decline your invitation to participate in the proceedings of a "national congress on penitentiary and reformatory discipline," to be held in Cincinnati, in October, by reason of the pressure of official duties at this time.

The order of the papers to be read, and the proposed discussions concerning the prison systems in monarchical countries, as indicated by the "programme of proceedings," incline me to express some of my own views.

Never having been in Europe, I have no personal knowledge of the workings of the several European systems. But I am of the decided opinion that prisons should be used to deter others from the commission of crime, rather than to reform the prisoner. Inasmuch as such systems proceed on the plan of reforming the prisoner, I have more faith in the goodness of their purpose than in its wisdom or practicability. While the prisoner should be morally, mentally and physically well cared for, the time for his reform is, in my opinion, before or after his imprisonment.

With proper rules for the government, moral and mental training, and development of industrious habits, the only "mark-system" I should recommend the adoption of, is that by which a gradual reduction would be made in the term of imprisonment for special merit or general good behavior.

In this state, and especially in this city, the "probation plan," so called, has been commonly practised by the criminal courts for many years. By it, an offender arraigned for a first offence, upon pleading guilty, and upon evidence of previous good character, is permitted to depart on probation, first giving bonds for future good behavior. The complaint against him is placed on file, there to remain, unless he is again arraigned upon some equally grave complaint. If he be poor and unable to procure a surety, the chaplain of our jail is allowed to become such, and in such case the government practically obtains control of the offender. If the condition of probation be violated, the surety can, of course, surrender his principal at any time. I believe this system to be judicious and salutary. It is within my own knowledge, that many boys and young men and women have been reformed by its application, and, consequently, without the ineradicable stigma of prison punishment.

Offences should be elaborately classified, and every crime punishable by the laws should have a fixed, equal penalty, not variable at the discretion of judges, who, being human, naturally entertain different views of crime and punishment, and impose sentences according to their own ideas; the result of which is that at one term of court the punishment for a certain crime is fixed at eight

or nine months' imprisonment, and at the next term, for a like offence under similar conditions, at eighteen or twenty-four months. In longer sentences imposed for the heavier grades of crime, the disparity is much greater.

The administration of criminal justice should be speedy, certain and equal. The lack of these essential conditions in our country tends to increase crime and give prisoners just and lamentable reason to complain; and the great delay in the trial of notorious criminal cases brings the administration of criminal justice into contempt.

Crime generates and grows largely in cities, and the grosser crimes are found most frequently where the victims of poverty and ignorence are obliged to dwell, in thickly populated lanes and alleys, where the light of the sun never enters, where disease and death reign, and whence pour the streams that fill the jails and prisons.

Reform the evil before it manifests itself to the public detriment; do not wait for reform until crime is committed, and prison life or death begun. Find remunerative employment for the poor, better and cheaper food, better and more healthful homes; let in the light and sun where the shades of death now hide wretchedness and crime; give pure water for the poor, freely to "wash and be clean;" free lectures; free churches. We have plenty of courses of lectures for the fashionable and well-dressed, who can pay, but none for the poor; few or no churches for them, and, if any, so ornamented and arranged that the poor are made ashamed of their poverty, and therefore refuse to attend them. By this I do not mean to be understood that the poor and wretched are the only criminals, but the poor and forsaken can be reached by proper measures, and others may be deterred or punished by a better enforcement and more equal execution of the laws.

I believe ninety per cent of all prisoners are susceptible to kindness, and would reform if they could. Many find the first words of sympathy and encouragement to reformation in prison; poverty and intemperance debar them from all other sources of human sympathy, and lead them to crime and prison.

The greater proportion of women who appear the most vicious and degraded while in their haunts of vice, become gentle, penitent and desirous to reform, after they have been committed to prison, and become freed in body and mind from the effects of dissipation; but when their term of imprisonment has ended, where shall they

go for support in their good resolutions? Who will receive them into their homes? There is but one place to which they can go — back into the dens of vice, where they find the only friends they have outside the prison. To them they go, only to come and go again, until death. While in prison they have numerous friends, and I have heard many prisoners say they were never so happy before; but who are their friends out of prison?

Men who out of prison are idle and dissipated, and do not or will not work, except as necessity compels them to, for existence, are willing, industrious and faithful workers in prison; they are well-behaved, and give promise of reform. Where shall *these* go when discharged? They have no friends, no money; society offers them neither encouragement nor sympathy; and they come back to go out again in the same way. The poor, the wretched, the forsaken have plenty of friends *after* they have committed crime and while they are in prison; but who takes them by the hand, who furnishes food and clothing, education and employment for them *before* they come to prison or after they are discharged?

A man arrested for larceny pleaded guilty, saying he could not get work, and stole to get food for his wife and six children, and asked for mercy. The judge said, "How many children must a man have to excuse him from punishment for larceny!" and sent him to prison. The great commonwealth, by its officers, committed him to prison, furnished him with profitable employment, kept his earnings that the institution might be a paying or self-supporting one, and left his wife and six children to the cold mercies of the world, or the almshouse. I believe it was a greater larceny for the commonwealth to compel this man to work, and deprive his family of his earnings, than the one he committed to buy them food.

The rich, the strong, the fortunate and the pure are bound, by the ties of a common humanity, to aid and assist the poor, the weak, the unfortunate and the debased; and the latter are, or should be, the wards of the former.

If you would encourage a prisoner to be honest and industrious after his discharge, give him or his family while he is a prisoner, or secure to him upon his discharge, if he has no family, a just proportion or all of his earnings in prison. Liberty is sweet — 'tis that the prisoner most often sighs for. The ignominy of sentence and imprisonment for crime is degrading, and punishment enough, without the additional torture of depriving him or his

suffering family of his earnings. It is a question worthy of grave consideration, whether one man or one corporation shall aggregate the profits of the labor of hundreds of other men; but it is no question "it is a shame to our christianity and civilization," for a commonwealth to appropriate all the earnings of a prisoner.

Every thing now tends toward centralization. Railroads consolidate into great lines of monopoly, and control legislation. Capital is consolidated into vast monopolies in various forms. Families aggregate in monstrous hotels or tenement-houses; being either too rich, or too proud, or too poor to work in separate households; and the nation and the commonwealth appear to be following their bad example.

All power emanates from the people; but when the people have yielded up their power, and it is consolidated and centralized in the hands of a few, it will be very difficult to regain it.

The barriers set up by the fathers were for protection to the people against despotism. Consolidated almshouses and consolidated prisons, with centralized governments, will, in time, lead to tyranny and despotism. Each town should support its own poor, not send them to a great pauper establishment of a state, which makes too public an exhibition of poverty and destitution, and increases both. If it is right for a state to centralize its prisoners and consolidate its prisons, why not go further, and have the nation centralize, classify and consolidate, and thus exile the prisoner from father, mother, husband, wife or children?

The justices of the United States courts now wisely allow the proper friends of a prisoner to suggest to which of the jails in this commonwealth he shall be sent, that they may be near to him to visit and console him, or find melancholy comfort from time to time in beholding his face.

Have the poor and the ignorant no feelings that the rich and influential are bound to respect? Must every thing be given up to "system?" Must they wait until the prison gates have closed upon them before they can have the benefits of "sanitary science," "sunlight, air and water," "wholesome rations," "comfortable clothing," etc.? What if a committee on prison discipline in the British parliament declared that "it is desirable that the legislature should intrust increased power to some central authority;" does *that* make it desirable? Because a monarchy centralizes, should we follow its example? The argument of your forty-first "principle of prison discipline," to be consistent, should also

recommend that the governments of towns, cities and states be abolished, and "some central and supreme authority sit at the helm, guiding, controlling the whole."

The fact is, we are being governed to a dangerous extent. More personal, practical humanity — more interest in the poor and debased, out of jail and before they enter it, and less of bureaus, centralizations and consolidations, and there would be less crime and fewer prisoners.

The declarations in the twelfth "principle" are at variance with my opinions and experience. Within my knowledge and observation, there is, on the part of prison officers, a hearty desire and intention to aid in the reformation of prisoners. If your assertions are true, they are terrible reflections upon the people of our christian commonwealths, that men capable of being, or now permitted to be, prison officers, could be so heartless.

Undoubtedly there are individual cases of unfitness, — there may be unfitness elsewhere, — but this sweeping charge against prison officers is unjust and untrue.

I know that there are officers of prisons who think of, work for, and aid in, the reformation of prisoners. I do not *know* of any with whom "doubt is the prelude to failure."

There is a general disposition to find fault with every system and everything that exists, and a continual craving for some new thing — a restless desire to invent something; if it cannot be a machine, it must be a new system of governing.

If a good law which is unpopular in a certain locality is not thoroughly executed by the local officers, instead of aiding the officers, who would cheerfully execute the law if obliged to, a new centralized system is established; and yet the law is little better executed, simply because the officers under the new system are men like the former, and are no more obliged than they to enforce it, except as policy or politics demand.

I have written desultorily, yet conscientiously. Trusting that the "national congress" will be largely attended by men who have had practical experience in superintending and governing prisons with all classes of prisoners, and that the discussions may result in good for the reformation of the criminal classes, I close, with the conviction in my mind from long personal observation and experience, that reform, to be effective, must begin before the criminal enters prison.

Very respectfully, JOHN M. CLARK.

XLIV. Catalogue of Works on Criminal Law, Penology and Prison Discipline.

A committee of six was appointed by the congress "to prepare a list of books in the English and other languages, treating of criminal law, the history, government, discipline and results of penal and reformatory institutions." The committee sent out a large number of circulars, to which, however, but few answers were returned. The several lists received were passed into the hands of the publishing committee. In printing them, this committee have judged it expedient to append, or rather to prefix, to each list the name of the person by whom it was furnished, although this plan involves a repetition of the titles of a few of the works named.

1. *List of Works belonging to the Prison Association of New York, furnished by* Dr. Wines.

New York Statutes at Large, edited by John W. Edmonds. Weed, Parsons & Co.: Albany, N. Y., 1869. 7 vols. 8vo.

Statutes of Connecticut, compilation of 1854. New Haven: T. J. Stafford. 1 vol. 8vo.

Legislative Documents of Connecticut, 1862–1865. 4 vols. 8vo.

General Statutes of Massachusetts, 1864. Wright & Potter: Boston: 2 vols. 8vo.

Revised Statutes of Rhode Island. Providence: Sayles, Miller & Simons, 1857. 2 vols. 8vo.

Laws of the State of Pennsylvania, 1860: Harrisburgh. 1 vol. 8vo.

Revised Statutes of Ohio, 1860. Cincinnati: Robert Clark & Co. 2 vols., 8vo.

Compiled Laws of Michigan. Lansing: Hosmer & Kerr, 1857. 2 vols., 8vo.

Revised Statutes of Missouri. Jefferson City: James Lusk, 1856. 2 vols., 8vo.

Revised Statutes of Kentucky. Cincinnati: Robert Clark & Co., 1860. 2 vols., 8vo.

Statutes of Illinois. Chicago: E. B. Cook & Co., 1858. 2 vols., 8vo.

Public Laws of Illinois. Springfield: Bailhache & Baker, 1859 to 1869. 4 vols., 8vo.

Revised Statutes of Indiana. Indianapolis: I. P. Chapman, 1852. 2 vols., 8vo.

Laws of Indiana. Indianapolis: Berry R. Sulgrove, 1861. 3 vols., 8vo.

Revised Statutes of New Hampshire, 1843. 1 vol., 8vo.

Laws of New Hampshire, 1860–1865. Concord: Geo. E. Jenks. 1 vol., 8vo.

Complete Works of Jno. Howard. London: 1792. 2 vols., 4to.

Statistics of Criminal Offenders in England and Wales, 1834. Printed by order of the House of Commons. 1 vol., 4to.

Reports (in French) on the Penitentiaries of the United States. by MM. Demetz and Blouet. Paris: Royal Printing Press, 1837. 1 vol., 4to.

French Documents relating to Prisons. Paris: 1844. Published by the Government. 1 vol., 4to., containing:

1. Essays upon the Morality of Prisoners in the Galleys, the Central Prisons, and the Houses of Correction, 1822–1837.

2. Project of Law relating to Prisons. Presented to the Chamber of Peers.

3. Report on the Financial Results of the Central Prison of Melun, during the years 1843, 1844 and 1845.

4. Report on Infanticides and Still-born Children in their Relation to the Foundling Question, by M. Remacle.

5. Statistics of the Administration of Criminal Justice in France in the year 1844.

Reports on the Administration of Criminal Justice, 1826–1865. Paris, 1867. 1 vol., 4to.

General Statutes of the Administration of Criminal and Civil justice in France. Published by the Government, 1866 and 1870. 2 vols., 4to.

Transactions of the International Statistical Congress, held in Florence, 1867. 2 vols. 4to.

Project of Law relating to the establishment of Cellular Imprisonment in France, together with Observations by the Court of Cassation and the Royal Courts of France relating thereto. Paris: 1845. Published by the Government. 1 vol. 4to.

Statistics of Public and Private Benevolence in the Kingdom of

Italy during the year 1861, together with the Criminal Statistics for the years 1862, 1863, and 1864. Turin, 1866. 1 vol. 4to.

A volume of documents relating to prisons in the kingdom of Italy, published by the government, Turin, 1866, and containing, 1. General Regulations concerning the Prisons of the Kingdom; 2. Laws and Provisions relating to the Administration of the Judicial Prisons of the Kingdom. Turin.

Sundry Blank Statistical Forms, with Directions for Recording the Statistics of Prisons in Italy. Published by the Government. Florence, 1867. 1 vol. 4to.

A quarto volume, in Italian, containing the following documents:

1. Report of a Commission appointed to examine Sundry Questions relating to Prison Administration.

2. Report of the General Council of Prisons on the State and Condition of Judiciary Prisons.

3. Special Report on Portland Prison, with particular reference to the Management and Disposal of Convicts, by Col. Jebb: London, William Clowes and Sons, 1850. 1 vol., 8vo.

A quarto volume, published by the British government, and containing the following documents:

1. Report of the Select Committee of the House of Commons on Smithfield Market Removal Bill, with Minutes of Evidence. 1857.

2. Convict Discipline and Transportation. Correspondence in Continuation of Papers previously presented to Parliament. 1851.

3. Criminal Statistics of Ireland for the year 1849.

A quarto volume published by the British government, and containing the following documents:

1. On National Education in Ireland. 1849.

2. Report on Prisons in Scotland for 1850.

Report of a Special Commission of the House of Commons on Prison Discipline, together with the Proceedings of the Committee and Minutes of Evidence. Published by order of Parliament. London, 1850. 1 vol., 4to.

Reports on Convict and Borough Prisons in Great Britain, 1835–1848. London: Clowes & Son. 18 vols., folio.

Reports on the Prisons of Scotland, 1856–1868. Edinburgh: Thomas Constable. 2 vols., 4to.

Reports on the Convict Prisons of Great Britain, 1850–1867. London: Clowes & Sons. 13 vols., 8vo.

Special Reports on the Convict Prisons of Great Britain, by Gen. Jebb, 1856–7, 1860–1. London: Eyre & Spottiswoode. 1 vol., 8vo.

Reports on the Borough Prisons of Great Britain, 1849–1867. London: Eyre & Spottiswoode. 13 vols., 8vo.

Reports on the Military Prisons of Great Britain, 1852–1865. London: Eyre & Spottiswoode. 1 vol., 8vo.

Reports of the Directors of Convict Prisons in Ireland, 1855–1868. Dublin: Thom & Sons. 3 vols., 8vo.

Reports on the Borough Prisons of Ireland, 1856–1867. Dublin: Thom & Sons. 12 vols., 8vo.

Reports on the Reformatory Schools of Ireland, 1862 to 1866. Dublin: Alexander Thom. 1 vol., 8vo.

Reports on the Reformatory Schools of Great Britain, 1857–1868. London: Eyre & Spottiswoode. 2 vols., 8vo.

Annual Reports of the Prison Association of New York, 1844–1869. Printed by order of the Legislature of New York. 11 vols., 8vo.

Reports of the Prison Discipline Society, Boston, 1826–1854. Boston: T. R. Marvin, 1855. 3 vols., 8vo. N. B. Third volume contains, in an Appendix, Francis C. Grey's Essay on Prison Discipline in America.

The Pennsylvania Journal of Prison Discipline and Philanthrophy, 1845–1866. Philadelphia: Josiah Tatum. 11 vols., 8vo.

Annual Reports of the Inspectors of State Prisons in New York, 1848–1869. Printed by order of the Legislature. 11 vols., 8vo.

Report of a Legislative Commission to investigate the Pecuniary Affairs of the State Prisons of New York, 1854. 1 vol., 8vo.

Laws of New York, relating to State Prisons, compiled by D. B. McNeil. Albany: Weed & Parsons, 1864. 1 vol., 8vo.

Annual Reports of the State Prisons of Massachusetts, 1844–1862. Printed by order of the Legislature: bound up in 2 vols., 8vo.

Special Legislative Report on the State Prisons of New York, 1852. 1 vol., 8vo.

Annual Reports of the State Prisons of New Hampshire, 1841–1864. Printed by order of the Legislature: bound up in 1 vol., 8vo.

Annual Reports of the State Prisons of Vermont, 1843–1865. Printed by order of Legislature: bound up in 1 vol., 8vo.

Annual Reports of the State Prison in Rhode Island, 1838–1864. Printed by order of the Legislature: bound up in 1 vol., 8vo.

Annual Reports of the State Prison of New Jersey, 1840–1864. Printed by order of the Legislature: bound up in 1 vol., 8vo.

Annual Reports of the Penitentiaries of Pennsylvania (Eastern and Western), 1832–1864. Printed by order of the Legislature: bound up in 4 vols., 8vo.

Annual Reports of the State Prison of Maryland, 1858–1865. Also, Annual Reports on the Baltimore Jail, 1862–1865: bound up in 1 vol., 8vo.

Annual Reports of the State Prison of Wisconsin, 1857–1865. Also, Annual Reports of Wisconsin State Reform School, 1860–1864. Printed by order of the Legislature: bound up in 1 vol., 8vo.

Annual Reports of the State Prison of Ohio, 1850–1864. Printed by order of the Legislature: bound up in 1 vol., 8vo.

Annual Reports of the State Prison of Michigan, 1863–1865. Printed by order of the Legislature: bound up in 1 vol., 8vo.

Annual Reports of the State Reform School of Michigan, 1860–1864. Also, Annual Reports of the Detroit House of Correction, 1863–1864: bound up in 1 vol., 8vo.

Annual Reports of the State Prison of Illinois, 1857–1864. Printed by order of the Legislature: bound up in 1 vol., 8vo.

Annual Reports of the State Prisons (Nothern and Southern) of Indiana, 1864. Indianapolis: Printed by order of Legislature: bound up in 1 vol., 8vo.

Annual Reports of the State Prison of Maine, 1854–1864.* Also Annual Reports of the Maine State Reform School, 1854–1864. Printed by order of Legislature, and bound up in 1 vol., 8vo.

Sneed's History of the Kentucky Penitentiary, 1798–1860. Frankfort: John B. Major. 1 vol., 8vo.

Annual Reports of the State Prisons in the United States for 1867: bound up in 3 vols., 8vo.

Annual Reports of the State Prisons in the United States for 1868: bound up in 3 vols., 8vo.

Annual Reports of the State Prisons in the United States for 1869: bound up in 2 vols., 8vo.

Annual Reports of the New York House of Refuge, 1831–1863. Printed by the Managers, and bound up in 3 vols., 8vo.

Annual Reports of the New York Juvenile Asylum, 1858–1863. Printed by the Managers, and bound up in 1 vol., 8vo.

Annual Reports of the Western (New York) House of Refuge, 1850–1863: bound up in 1 vol., 8vo.

Annual Reports of the Philadelphia House of Refuge, 1845–1866: bound up in 3 vols., 8vo.

Annual Reports of the Maryland House of Refuge, 1852–1865: bound up in 1 vol., 8vo.

Annual Reports of the Providence Reform School, 1832–1865: bound up in 1 vol., 8vo.

Annual Reports of the New Hampshire House of Reformation, 1856–1865: bound up in 1 vol., 8vo.

Annual Reports of the Ohio Reform Farm School, 1858–1865: bound up in 1 vol., 8vo.

Annual Reports of the Chicago Reform School, 1859–1865: bound up in 1 vol., 8vo.

Annual Reports of the Massachusetts Industrial School for Girls, 1856–1865: bound up in 1 vol., 8vo.

Annual Reports of the Massachusetts School for Idiots, 1852–1864: bound up in 1 vol., 8vo.

Annual Reports of the Massachusetts State Reform School, 1857–1865: bound up in 1 vol., 8vo.

Annual Reports on Public Charitable Institutions of Boston, 1858–1864: bound up in 1 vol., 8vo.

Annual Reports of the Cincinnati House of Refuge, 1852–1866: bound up in 1 vol., 8vo.

Annual Reports of the Connecticut Reform School, 1853–1865: bound up in 1 vol., 8vo.

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Annual Reports of the Board of State Charities of Massachusetts, 1864–1869. 6 vols., 8vo.

Annual Reports of the Attorney-General of Massachusetts, 1861–1864: bound up in 2 vols., 8vo.

Annual Reports of the Board of Inspectors of Asylums, Prisons, etc., of Canada, 1860–1869: bound up in 4 vols., 8vo.

Annual Reports of the Philadelphia County Prison, 1848–1863: bound up in 1 vol., 8vo.

Annual Reports of the Albany Penitentiary, 1852–1868: bound up in 1 vol., 8vo.

History of the Albany Penitentiary, by David Dyer, Chaplain. Albany: J. Munsell, 1867.

Annual Reports of the Monroe County Penitentiary, 1855-1863: bound up in 1 vol., 8vo.

Annual Reports of the Erie County Penitentiary, N. Y. Also, Annual Reports of the Onondaga County Penitentiary, 1855–1862: bound up in 1 vol., 8vo.

Reports of W. J. Mullen, Prison Agent, Philadelphia, 1855-1867: bound up in 2 vols., 8vo.

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Twenty-second Registration Report of Massachusetts, 1863. 1 vol., 8vo.

Special Reports on English Convict Prisons, 1851–1863: bound up in 1 vol., 8vo.

Annual Reports of the Commissioners of Public Charities and Corrections, New York city, 1867–1869. 3 vols., 8vo.

Annual Reports of the Secretary of State of New York on Criminal Statistics, 1855–1860: bound up in 1 vol., 8vo.

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3. Remarks on Cellular Separation, by Wm. Parker Foulke. 1860.

4. Remarks on the Penal System of Pennsylvania, particularly with reference to County Prisons, by Wm. Parker Foulke. 1855.

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Chapters on Prisons and Prisoners, by Rev. Joseph Kingsmill, Chaplain of Pentonville Prison. 1 vol., 8vo.

Chapters on Capital Punishment (translation), by Prof. Mittermair, Heidelberg University. 1 vol. 12mo.

Review of the Penitentiary System of the United States, by MM. De Beaumont and De Tocqueville, translated by Dr Francis Lieber. Philadelphia: Carey, Lea & Blanchard, 1833. 1 vol., 8vo.

The Repression of Crime, in Charges to Grand Juries, etc., etc., by M. D. Hill, Esq., Recorder of Birmingham. London. 1 vol., 8vo.

Rationale of Rewards, by Jeremy Bentham. London, 1825. 1 vol., 8vo.

History of Prisons in Italy from the earliest Times to the Present. By Martino Beltrani Scalia, Inspector of Prisons in the Kingdon of Italy. Florence, 1867. 1 vol., 12mo.

Report of Select Committee of the Senate on Jails and Poor-houses of New York, 1857.

Our Convicts, by Miss Mary Carpenter. London, 1864. 2 vols. in one, 8vo.

Prisons and Prisoners, by Joseph Adshead. London: Long man & Co., 1845. 1 vol., 8vo.

Transactions of the International Congress on Philanthrophy (in French). Frankfort-on-the-Maine: 1857. 1 vol., 8vo.

Amelioriation of the Criminal Law (in French), by M. Bonneville de Marsangy. Paris: Cosse & Marchal, 1864. 2 vols., 8vo.

On the Relapse of Criminals (in French), by M. Bonneville de Marsangy. Paris: Cotillon, 1844. 1 vol., 8vo.

The Reformation of Juvenile Delinquents, by L. Bonneville de Marsangy. Paris: Armand Anger, 1867. 1 vol., 8vo.

Crime: Its Amount, Causes and Remedies, by Frederic Hill: London, Jno. Murray, 1853. 1 vol., 8vo.

Commerce and Police of the River Thames, by P. Colquhoun, LL. D. London: Jos. Mawman, 1800. 1 vol., 8vo.

Police of the Metropolis, by the same Author. London: Jos. Mawman, 1800. 1 vol., 8vo.

On the Present State of Prison Reform in Great Britain (in French), by L. M. Moreau-Christophe, Inspector General of Prisons in France. Paris, Royal Printing Press, 1838. 1 vol., 12mo.

Punishment and Prevention, by Alex. Thomson, Esq., London: Jas. Nisbet & Co., 1857. 1 vol., 12mo.

Prison Sketches by a Prison Chaplain (Rev. John Luckey, of Sing Sing Prison). New York. 1 vol., 12mo.

Juvenile Delinquents; Their Condition and Treatment, by Mary Carpenter. London: W. & F. G. Cash, 1853. 1 vol., 12mo.

Life among Convicts, by Chas. B. Gibson, Chaplain in the Convict Service. London: Hirst and Blackett, 1863. 2 vols., 12mo.

Tracts on the Irish Convict System. 1 vol., 8vo.

This volume contains:

1. Irish Fallacies and English Facts, by Scrutator. London, Wm. Ridgway.

2. Irish Tracts and Wakefield Figures in relation to Convict Discipline in Ireland, by John T. Burt, Chaplain of Birmingham Burrough Prison. London: Longman & Co.

3. Irish Convict Reform: the Intermediate Prisons a Mistake, by an Irish Prison Chaplain. Dublin: McGlashan & Gill, 1863.

4. Convict Systems and Transportation, by Sir Walter Crofton, C.B. London: Wm. Ridgeway.

Commentary on the Reformatory Act for Ireland, by Patrick Joseph Murray. Dublin: W. B. Kelley, 1858. 1 vol., 12mo.

Tracts on Secondary Punishment and Transportation, by Archbishop Whately. Dublin. 2 vols., 8vo.

Transportation and Colonization, by John D. Lang, D.D. London: A. J. Valpey, 1837. 1 vol., 12mo.

Pictures from Prison Life: an Historical Sketch of the Massachusetts State Prison, with Narratives, Incidents, and Suggestions

on Discipline, by Gideon Haynes, warden. Boston: Lee & Shepard, 1869. 1 vol., 12mo.

Life of John Howard, by J. Hepworth Dixon. New York: R. Carter & Bros. 1 vol., 12mo.

Female Prison Life. London. 2 vols., 12mo.

A Half Century with Juvenile Delinquents, by Bradford K. Peirce, D.D., Chaplain New York House of Refuge. New York, 1867. 1 vol., 12mo.

Writings of Capt. Alexander Maconochie: bound up in 1 vol. 8vo. The above volume contains the following, viz.:

1. General Views regarding the Social System of Convict Management, by Capt. Alexander Maconochie, R. N. Hobart Town, 1839.

2. Papers on Secondary Punishment, by the same author. London: J. Hatchard & Son, 1847.

3. Emigration, with Advice to Emigrants, by same. London: John Ollivier, 1848.

4. Secondary Punishment: The Mark System, by same. London: John Ollivier, 1848.

5. Norfolk Island, by same. London: John Ollivier, 1848.

6. Reformatory Prison Discipline, by same. London: Charles Gilpin, 1851.

7. Penal Discipline, by same. London: Thomas Harrison, 1853.

8. Letters on Penal Discipline, by same. London: Thomas Harrison, 1853.

9. The Mark System, by same. London: Thomas Harrison, 1855.

10. National Education as bearing on Crime, by same. London: Thomas Harrison, 1855.

11. Prison Discipline, by same. London: T. Harrison, 1856.

12. Secondary Punishment, by same. London, 1856.

13. The Mark System of Prison Discipline, by same. London: Mitchell & Son, 1859.

14. The Management of Transported Criminals, by same.

Fifteen volumes (8vo) of miscellaneous pamphlets.

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2. Annual Reports of Truant Home of Brooklyn, N. Y., 1860-1864.

3. Inquiry into the Alleged Tendency of Separation of Convicts to Produce Insanity, etc., by W. P. Foulke, Esq., of Philadelphia, 1849.

4. Fifteenth Annual Report of Wm. J. Mullen, Prison Agent. Philadelphia, 1868.

Volume II contains the following:

I. Report on the Penitentiary System of the United States, by Charles G. Haines, Esq., New York, 1822.

2. Special Report on Prisons and Prison Discipline, by order of the Board of State Charities of Massachusetts, 1865.

3. Observations on the Separate System of Prison Disipline, submitted to the Congress of Prison Reform at Brussels, 1847, by Col. Jebb. London: Clowd & Sons, 1847.

4. Historical Sketch of the Philadelphia Prison Discipline Society. 1859.

Volume III contains the following:

1. Papers on the Penal Servitude Acts, by M. D. Hill, Esq., recorder of Birmingham. London.

2. The Newgate of Connecticut, by Richard H. Phelps. Hartford, 1844.

3. Report of a Committee on the Comparative Health, Mortality, Length of Sentences, etc., of White and Colored Convicts Philadelphia, 1849.

4. Report on the Food, Diet, and Dietetical Regimen suitable for Almshouses, Prisons and Hospitals, etc., by Jno. Stantor Gould, 1852.

5. Report on Abolition of Capital Punishment, by James H. Titus. 1846.

6. Rules and Regulations for the Government and Discipline of the New York State Prisons, adopted 1857. Albany: Weed & Parsons.

7. Presentment of Grand Jury; Report of the Committee to examine the Prisons, etc., under the rule of New York city authorities.

8. Rules for the Support, Government, etc., of the Essex County Jail, Newark, N. J. 1857.

9. Petting and Fretting of Female Convicts. London, 1862.

10. Annual Message of the Mayor of Cincinnati, 1864.

11. Inaugural Address of Mr. Aspland, before Manchester Statistical Society. Manchester, England, 1863.

12. Mr. Aspland's paper on American Prisons, before same society, 1864.

13. Report of Joint Committee on Prisons, relative to Condition and Management of County Jails of Connecticut, 1865. Hartford.

Also, an Act relating to the same.

Volume IV contains the following:

1. Juvenile Criminals, etc., Plan for Saving them, by Edwin Wright. Boston, 1865.

2. On Reformatories and what we Know of them, by A. Aspland, Esq., F.R.C.S. Manchester, England, 1863.

3. Report of Joint Special Committee on Juvenile Vices, Exposure and Want, in the city of Hartford. 1863.

4. Remarks of Hon. C. C. Leigh, of New York, on bill relating to Young Criminals. 1855.

5. Memorial to the Legislature of New York, by Society for Reformation of Juvenile Delinquents. 1824.

6. Société pour le Patronage des Jeunes Libérés, du Département de la Seine. Paris, 1842.

7. Suggestions on the Management of Reformatories, etc., by Mary Carpenter. London, 1864.

8. A few Observations on the Pamphlet of Rev. John Burt, on the Irish Convict System, by Sir Walter Crofton. London, 1863

9. Present Aspect of the Convict Question, by the same author London, 1864.

10. Convict Systems and Transportation: A Lecture, by the same author. London, 1863.

11. Reflections and Observations on the present Condition of the Irish Convict System, by Baron Von Holtzendorff. Dublin, 1863.

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1. Report on Auburn Prison, by Gershom Powers, Agent and Keeper, 1828. Albany: Croswell & Van Benthuysen.

2. De la Mortalité et de la Folie dans le Régime Pénitentiare, par L. M. Moreau-Christophe: Paris, 1839.

3. Communication to Stephen Allen, Esq., Mayor of New York, from Thomas Eddy. 1823.

4. Report on the Stepping or Discipline Mill at the New York Penitentiary, by Mayor Allen. 1823.

5. Review of the Report of the Agent of the Clinton State Prison, New York.

6. Our Present Jail System deeply Depraving to the Prisoner, etc.

7. Reports on Mr. Acker's Management of the New York Penitentiary.

Volume VI contains the following:

1. The Convict System of England and Ireland, by M. D. Hill. 1862.

2. The Immunity of Habitual Criminals, by Sir Walter Crofton, C.B. London: Bell & Daldy, 1861.

3. Purgatory of Prisoners, by Rev. Orby Shipley, M.A. London: Joseph Masters, 1857.

4. Present Condition of the Irish Convict System, by Baron Von Holtzendorff. Dublin: J. M. O'Toole & Son, 1863.

5. Transportation and Penal Servitude, reprinted from *Meliora*, October 1863. London: Clowes & Sons.

6. Annual Reports of the Howard Association, 1867–68.

7. The Prisons of London and Middlesex, by the Howard Association.

8. Treatment and Prevention of Crime, by the Howard Association.

9. Industrial and Reformatory Treatment of Criminals. By William Tallack, Secretary of the Howard Association.

10. Crime in Manchester and Police Administration. Alfred Aspland. London: Longmans, Green & Co., 1868.

11. Registration of Deaths. A. Aspland, 1867.

12. Capital Punishments. A. Aspland, 1867.

13. Value of Life Tables, as evidence of Sanitary Condition. Henry Wyldbore Rumsey, F.R.C.S. London, 1866.

14. Statistics of Paris and mode of obtaining Facts for Mortuary Tables. Alfred Aspland, F.R.C.S., London.

15. Industrial Schools, in relation to the Education of the Country. A. Aspland, 1868.

16. Reports of the Birmingham Discharged Prisoners' Aid Society, 1866–1867. Birmingham: Benj. Hall, 1867.

17. Report on the Carlisle Memorial Refuge from Jan. 1, 1867, to Dec. 31, 1867. Winchester: John T. Doswell, 1868.

18. Treatment of Criminals in the Punjab. Maj. G. Hutchinson, Inspector-General of Police in the Punjab. Also, account of the Prisons in Southern India, by Mary Carpenter.

19. Gaols in India. Miss Carpenter.

20. Education and Reformatory Treatment, by Mary Carpenter. London, 1868.

21. Earth Sewage versus Water Sewage, by Rev. Henry Monk. G. E. Desbarats: Ottawa, 1868.

22. Act respecting Penitentiaries and the Directors thereof. Malcolm Cameron: Ottawa, 1868.

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1. Report on Connecticut State Reform School.

2. Eleventh Annual Report of Chicago Reform School.

3. First Annual Report of Louisville House of Refuge, 1866.

4. Thirteenth Annual Report of the Maine State Reform School, 1866.

5. Twentieth Annual Report of Massachusetts State Reform School, 1866.

6. Tenth Annual Report of the Board of Directors for Public Institutions of the City of Boston, 1866, 1867.

7. Seventh Annual Report of Trustees of Nautical Branch of Massachusetts State Reform School, 1866.

8. Eleventh Annual Report of Massachusetts State Industrial School for girls, 1866.

9. Tenth Annual Report of State Reform School of Michigan, 1866.

10. Report on a State Reform School for Girls. New Jersey.

11. Fifteenth Annual Report of the New York Juvenile Asylum, 1867.

12. Eighteenth Annual Report of the Western House of Refuge, 1867.

13. Sixteenth Annual Report of the House of Refuge, 1866 Cincinnati, Ohio.

14. Eleventh Annual Report of Ohio State Reform School and Farm, 1867.

15. Thirty-Eighth Annual Report of the Philadelphia House of Refuge, 1866.

16. Sixteenth Annual Report of the Providence (R. I.) Reform School, 1866.

17. First Annual Report of the Vermont Reform School, 1865, 1866.

18. Seventh Annual Report of State Reform School of Wisconsin, 1866.

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1. Second Annual Report of the New York Society for the Prevention of Pauperism, by J. G. & C. H. Haines, 1819.

2. Report of Joint Committee of the Common Council on the New York Work-House, 1849.

3. The Unanimity of Juries, by Francis Lieber, LL.D.

4. Semi-annual Report of Chief of Police, New York, 1854.

5. Majority Report of Committee on New York State Prisons and the Prevention and Punishment of Crime, 1867.

6. Report on the Condition of the Insane Poor in the County Poor-Houses of New York, by S. D. Willard, M.D. 1865.

7. Constitution, Address, and List of Members of the American Social Science Association. Boston, July, 1866.

8. Report on the Hours of Labor and the Condition of the Industrial Classes. Boston, 1866.

9. Reformation of Prison Discipline.

10. Occasional Papers of the American Social Science Association.

11. American Prisons. Philadelphia, 1865.

12. Second Annual Report of the California Prison Commission, 1865. San Francisco.

13. Address before the American Social Science Association, by Samuel Elliott, LL.D. Boston, 1867.

14. Occasional Papers of the American Social Science Association.

15. Report of State Agency for aiding Discharged Convicts. Boston, 1866.

16. First Annual Report of the Board of State Charities of Ohio, 1867: Columbus.

17. Superintendent's Report of the New York State Inebriate Asylum, by Albert Day, M.D. 1867.

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1. Eleventh Annual Report of the St. Louis House of Refuge, 1865.

2. Biennial Report of the Inspectors and Officers of the Missouri Penitentiary, 1863.

3. Second, Third, Fourth and Tenth Annual Reports of the St. Louis House of Refuge, 1857–1864.

4. Act of Incorporation of St. Louis House of Refuge.

5. Three Annual Messages of the Mayor of St. Louis, for 1863,

1864 and 1865, embodying notices of the work-house and jail of that city.

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1. Annual Report of the Maryland Penitentiary, 1867.
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3. Annual Report of Ohio Penitentiary, 1866.
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5. Fortieth Annual Report of the Western Penitentiary of Pennsylvania, 1866.
6. Annual Report of the Rhode Island State Prison, 1866.
7. Annual Reports of the Tennessee Penitentiary, 1865, 1866.
8. Annual Report of the Vermont State Prison, 1866.
9. Annual Report of the Wisconsin State Prison, 1866.

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1. Proceedings of the First Convention of Managers and Superintendents of Houses of Refuge and Schools of Reform in the United States, held in New York, 1857.
2. Proceedings of the Second Convention of Managers of Houses of Refuge, etc., in the United States, 1859.
3. Seventh, Ninth, Tenth and Thirteenth Annual Reports of the Connecticut State Reform School, West Meriden, 1859–1863.

Volume XII contains the following:

1. Memorandum on Different Questions relative to the Management and Disposal of Convicts, together with Abstracts of Returns, etc., 1860–1861, by Sir Joshua Jebb, K.C.B. London: Eyre & Spottiswoode, 1861.
2. Extracts from Circulars and Correspondence relative to Different Subjects referred to in the Rules for the Government of Convict Prisons. By Sir Joshua Jebb.
3. General Report on the English Convict Prisons, together with Suggestions concerning Prison Discipline and Construction, 1860–1861, by Major-General Sir Joshua Jebb, etc., etc. London: Eyre & Spottiswoode, 1862.
4. Twenty-Eighth Annual Report of the Inspectors of the Prisons in Great Britain. London: Eyre & Spottiswoode, 1863.

Volume XIII contains the following:

1. Proceedings of the two Conventions of Managers and Superintendents of Houses of Refuge, Schools of Reform, and other Juvenile Reformatories in the United States.

2. The Congregate System in Juvenile Reformatories, by B. K. Peirce, D.D., chaplain New York House of Refuge.

3. The Design and Advantages of Houses of Refuge.

4. Mettray, by L. Bonneville de Marsangy. Paris, 1860.

5. Report of the Commissioners of Inquiry respecting a State Industrial School for Connecticut, 1867. Hartford: Lockwood & Co.

6. Report of Commissioners on Reform of Juvenile Offenders, New Jersey, 1865.

Volume XIV contains the following miscellaneous Papers on Prison Subjects (in French).

1. Société pour le Patronage des Jeunes Détenus et des Jeunes Libérés du Départment de la Seine. Paris, 1844.

2. Des Libérations Préparatories, par Mc Bonneville de Marsangy. Rheims, 1846.

3. De Quelques Réformes à introduire dans la Législation Pénale en France, par A. Corne. Paris, 1867.

4. Etude sur l'Education Correctionale des Jeunes Détenus des Départment de la Seine. Paris, 1850.

5. Etude sur la Moralité Comparée de La Femme et de L'Homme, par M. Bonneville de Marsangy. Paris, 1862.

6. Essai sur La Criminalité, par A. Corne.

7. De la Détention Pénale, par M. Bonneville de Marsangy.

8. Part Seconde de la Détention Pénale, par M. Bonneville de Marsangy.

Volume XV contains the following:

1. Second Report of the Bristol Industrial School for Girls for the year 1868.

2. Programme of the Conference of Managers of Reformatory and Industrial Institutions to be held in London, 1869.

3. A Day in the Red Lodge Girls' Reformatory, Bristol, England.

4. A brief Description of the Irish Convict System, by Sir Walter Crofton, C.B. London, 1862.

5. Twentieth Annual Report of the Bristol (England) Ragged School, 1866.

6. Annual Report of the Kingswood (England) Reformatory School, 1867.

7. Twenty-First Annual Report of Bristol Ragged School, 1867.

8. First Report of the Bristol Industrial School for Girls, 1867.

9. The Substitute for Capital Punishment.

10. Twenty-Second Annual Report of the Bristol Ragged School, 1868.

11. Report of the Superintendents of the Chamber Stree Chapel. Boston, 1866.

12. Crime and Punishment, by Blanchard Fosgate, M.D.

13. De Quelques Réformes a introduire dans la Législatio Pénale en France, par A. Corne. Paris, 1867.

14. Prisons et Dètenus, par A. Corne.

2. *List of Works furnished by* WILLIAM TALLACK, *Secretary of th Howard Association, London.*

HOWARD ASSOCIATION,
5 BISHOPGATE WITHOUT, E. C., *Nov. 25th.*

Rev. Dr. E. C. WINES:

DEAR SIR, — I have pleasure in complying with your request, a promptly as I can, for a list of books.

I have selected about 120 of the books and pamphlets (recent and otherwise), chiefly containing *facts*, *figures* and *experiences*.

Of those containing theories and opinions, I might have sent a multitude, but refrain.

Further, nearly all of those herein named are either now in my possession, or have been read by me at some previous time, so that they are not put down promiscuously or hap-hazard.

Yours very truly,
WM. TALLACK.

1. Annual Reports of New York Prison Association.

2. Annual Volumes of Transactions of Social Science Association. London Jurisprudence Section.

3. Crime, its Amount, Causes and Remedies, by Frederic Hill eighteen years Inspector of Scotch Prisons. 443 pp. London: John Murray, 1853. (An excellent work.)

4. Our Criminals, 2 vols., by Miss Mary Carpenter. London (about 1865). (Another comprehensive and practical work.)

5. Chapters on Prisons and Prisoners, by Rev. Joseph Kingsmill, Chaplain of Pentonville Prison, London. 508 pp. London: Longman & Co., 1854.

6. The Prison Chaplain, a Memoir of Rev. John Clay, by Rev. Walter Clay. 622 pp. London: Macmillan & Co. (Contains a most interesting and comprehensive introductory of the history and progress of prison discipline.)

7. Annual Reports to British Government, of the Inspectors of Northern Prisons of Great Britain. (Small blue books.)

8. Annual Reports of the Inspectors of Southern Prisons of Great Britain.

9. Annual Reports to British Government of the Directors of Convict Prisons.

10. Annual Volumes of Judicial Statistics, issued by British Government.

11. Annual Volumes of Judicial Statistics for Scotland. Edinburgh.

12. Annual Volumes of Judicial Statistics for Ireland. Dublin. (Prepared by Dr. W. N. Hancock.)

13. Annual Reports to British Government, of Directors and Inspectors of Reformatory Schools.

14. Report ("Blue Book," Parliamentary Paper) of House of Lords' Committee of 1863, on Transportation and Penal Servitude. London.

15. Annual Reports to French Government of French Judicial Statistics; prepared for and issued by the Garde des Sceaux. Paris.

16. Secondary Punishment, by Archbishop Whateley. 204 pp. London: B. Fellowes, 1832.

17. The Convict Ship and England's Exiles, by Dr. Colin A. Browning, Surgeon, Royal Navy. 414 pp. London: Hamilton, Adams & Co., 1847, 2d ed. (This work is one of the most instructive on the subject. It records the great power of religious discipline of convicts, as experienced in a number of voyages, under the care of Dr. Browning, to the penal settlements in Tasmania. He succeeded by christian means in rendering the convict's voyages a time of instruction and progress, instead of a foretaste of pandemonium, as usually, both previously and subsequently.)

18. The Convict Ship, by Dr. Colin A. Browning. 324 pp. London: Smith, Elder & Co., 1844. (An earlier form of preceding work, but less complete and without some subsequent additions.)

19. An Inquiry whether Crime and Misery are Produced or Prevented by our Present System of Prison Discipline, by Thos. Fowell Buxton, Esq., M.P. (afterward Sir T. F. Buxton, Bart.) 6th edition. 184 pp. London: J. & A. Arch, 1818. (This little volume excited great interest in its day, and revived the attention of philanthrophists, which since Howard's time had flagged, as

regarded prison discipline. It led to much parliamentary discussion and re-opened the whole subject to popular inquiry.

20. Life of John Howard, by J. B. Brown. 690 pp., 4to. London, 1818. (Portraits), (a most valuable and comprehensive work.)

21. Life of John Howard, by W. Hepworth Dixon. London, 1850.

22. The Prisons of London, 1850, by Wm. Hepworth Dixon. London.

23. Visits to London Prisons, by Henry Mayhew, (about 500 pp.) London, 1850.

24. London Laborers and the London Poor, by Henry Mayhew. London, 1851, 2 vols. (These 3 volumes contain an immense amount of personal observation and inquiry amongst the poor and criminal classes. Many changes have, however, taken place since they were written.)

25. Life of Thomas Eddy, by Sam'l L. Knapp. 264 pp. New York: 1834; and London: 1836 (E. Fry & Son), (the Howard, of Pennsylvania).

26. Life of Isaac T. Hopper, by L. Maria Child. 493 pp. Sampson, Low & Son, London and Boston. (The Howard of New York; First Visiting Agent of New York Prison Association. A wonderful and interesting character.)

27. Life of the Marichesa Giulia Falletti di Barolo (the Reformer of the Turin Prisons), by Silvio Pellico. Translated into English by Lady Georgiana Fullerton. 231 pp. London: Rich'd Bentley, 1866. (This lady brought *christian* religious influence to bear on the most depraved female criminals, and with unusual success.)

28. Memorials of John Venning (of St. Petersburg and Norwich), by Thulia S. Henderson. 320 pp. London: Hamilton, Adams & Co., 1862. (Labored long, and with considerable success, for the amelioration of Russian prisons. This volume contains the particulars. Was edited by the patronage of emperor Alexander I.)

29. Life of Peter Bedford, the Spitalfield Philanthropist, by William Tallack. 147 pp. London: Partridge, 1865.

30. Australia and Prison Discipline, by H. Melville. 392 pp. London; E. Wilson, 1851. (Interesting account of early penal settlements in New South Wales and Van Dieman's Land.)

31. A Visit to the Philadelphia Prison, by Robert J. Turnbull. Philadelphia and London (reprinted), 1797. Jas. Phillips

& Son. 100 pp. (This little work is one of the most valuable and suggestive of its kind. It contains the best contemporary account of the *former* admirable prison system of Pennsylvania, a system which anticipated by more than half a century, the *best* ameliorations and "discoveries" in the criminal treatment of Great Britain, France and Germany — a system to which Pennsylvania itself has since *retrograded* from to a considerable extent. Pennsylvania *was* the foremost country in the world in prison discipline; but now she has fallen behind.)

32. Humanity and Humanitarianism, by William Tallack. London: Kitto, 1870. 32 pp. (Contains further Observations on the Pennsylvania system; also, on the American and European systems in general.)

33. Six years in the Prisons of England, by a Merchant. 247 pp. London: Bentley, 1869. (A personal narrative by an ex-convict, of the present conditions and evils of the English *convict* prisons, especially as to the mischiefs of the congregate system, therein still maintained.)

34. Psychologic Naturelle, par Dr. Prosper Despine (of Marseilles). Paris: F. Savy, 1868. 3 vols. (This comprehensive work of almost 2,000 pages, contains a mass of most interesting observations on criminals and insane persons. It treats of the general questions of criminal lunacy, moral responsibility, intemperance, dishonesty, prostitution, infanticide, murder, suicide, prison discipline, etc., and enters upon a consideration of the difficult problems affecting these departments of human evil.)

35. The Sixth Work, by Mrs. Meredith. 180 pp. London: Jackson, Wolford & Hodder, 1866. (On the duties of *christians* in regard to prison visitation and discipline.)

36. Addresses and Charges on Crime, by Matthew Davenport Hill, S. C., late Recorder of Birmingham.

37. Observations on the Treatment of Convicts in Ireland, by Four Visiting Justices of the Wakefield Prison, Yorkshire. London: Simpkin & Co., 1862. (Shows that the merits of the so-called Irish System have been exaggerated.)

38. Irish Convict Reform, by Rev. C. B. Gibson, Chaplain at the Irish Convict Prison of Spike, Ireland. Dublin, 1863: McGlashan & Gill. (Shows conclusively that the great reduction of convicts popularly attributed to the Irish system, has been entirely occasioned by the special facilities for the emigration of

discharged convicts in that country; also, that there is nothing original in the system.*

39. Gheel, the City of the Simple. London, 1869: Chapman & Hall. 195 pp. (Describes the most successful treatment of the insane, ever experienced, as long in operation at Gheel, in Belgium, by means of domestic and industrial influences.)

40. The Separate System, by Rev. J. Field, Chaplain of Reading Gaol. London.

41. The English Prison Act of 1865 (parliamentary paper). London.

42. Annual reports of the Howard Association. London. (Brief but comprehensive résumés of facts relative to penal treatment and legislation.)

43. General Papers and Articles of Howard Association, as distributed to newspaper editors, and through the post.

44. What is to be Done with our Criminals? by the late Charles Pearson, M. P. London: Hall & Co., 1857. (Advocates remunerative prison labor.)

45. The Industrial and Reformatory Treatment of Criminals, by William Tallack. 16 pp. London: Kitto, 1867.

46. Address of the Howard Association on Prison Labor, Capital Punishment, Double Licenses, Prostitution and Mendicity. 16 pp. London: Kitto, 1868.

47. The Problem of Diminishing Prevalent Destitution and Temptations to Crime, by William Tallack. 20 pp. London: Kitto, 1869.

48. Revelations of Prison Life, by Captain Chesterton, Governor of Coldbath Fields Prison. 380. pp. London: Hurst & Blackett, 1857.

49. Pictures from Prison Life, by Gideon Haynes, Governor of Massachusetts State Prison. 290 pp. Boston: Lee & Shepard, 1869.

50. The Annual Reports of Massachusetts State Prison. Charlestown, Mass.

51. Annual Reports of Philadelphia (Pa.) State Prison.

52. Annual Reports of New York Auburn Penitentiary.

53. Annual Report of State Prison of Connecticut.

54. Annual Report of State Prison of Maine.

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* I must express my emphatic dissent from this judgment of Mr. Tallack as regards both these books. If human testimony is capable of establishing *any thing*, these two books have been refuted over and over again. E. C. Wines.

55. Annual Report of State Prison of Michigan.

56. Die Todesstrafe (Capital Punishment), by late Professor Mittermaier. (In German.) Heidelberg.

57. Capital Punishment (based on Mittermaier's work, with additions), by J. M. Moir. 266 pp. London: Smith, Elder & Co., 1865.

58. La Peine de Mort (a French work, based on Mittermaier), by M. Leven. Paris, 1865.

59. La Peine de Mort, by Jules Simon. 186 pp. (un récit, in French.) Paris, 1869.

60. A general Review of the Subject of Capital Punishment, by William Tallack. London, 1865. 18 pp.

61. Analysis and Review of the Blue Book of the Royal Commission on Capital Punishment, by William Tallack. London, 1866. 28 pp.

62. The Practical Results of the Total or partial Abolition of Capital Punishment, (chiefly statistical), by William Tallack. London, 1866. 24 pp.

63. The Dignity and Efficiency of English Law as diminished by the Capital Penalty, by William Tallack. London: Kitto, 1871. 16 pp.

64. Prison Facts, by William Tallack. London, 1869.

65. The Law on its Trial (illustrations of the dangers and failures of Capital Punishment), by Alfred H. Dymond. London. 1865. 312 pp.

66. Christ and the Gallows, by Hon. Marvin H. Bovee. New York, 1869. 328 pp. (Contains letters against Capital Punishment, by eminent Americans and others, including Bryant, Whittier, Longfellow, H. Ward Beecher, T. C. Upham, Dr. Bellows, Hon Charles Sumner, Wendell Phillips, Theodore Tilton, Horace Greeley, Right Hon. John Bright, etc.)

67. La Peine de Mort (in French), by Professor Olivecrona of Sweden. 208 pp. Paris: A. Durrand, 1868.

68. Die Todestrafe in ihrer Kulturgeschichtlichen Entwicklung (in German), by H. Hertzel. Berlin: W. Moeser, 1870. 544 pp. (This is a very valuable and remarkable work. It contains a history of the subject of capital punishment and a notice of all the writings upon it (*for and against*), from the earliest times to the present day — with abundant extracts — and copious lists of writers and books.)

69. The Blue Book of the English Royal Commission on Capital Punishment, with the Report of the Commissioners and the evidence pro and con., 671 pp. London (official), 1866. (A most valuable work, but now out of print.)

70. Vacation Thoughts on Capital Punishment. By Charles Phillips. 152 pp. London: Ridgway, 1857. (A very readable and comprehensive work.)

71. The Punishment of Death, by Charles Spear. 240 pp. Boston and London, 1851.

72. The Prisoners of Australia, by C. A. 192 pp. London: Halchard, 1841. (A narrative of christian laborers among female convicts.)

73. Connection between Physiology and Philosophy. pp. 130. London: Parker, 1667. (Criminal lunacy, &c.)

74, 75, 76, 77. Essays on Criminal and General Lunacy, by Professor Laycock, Edinburg; Dr. Daniel Tuke, Falmouth; Dr. John Symonds, Bristol; Dr. Forbes Winslow, London.

78. The Physiology of the Mind, by Dr. Mandesley. London: (Criminal and other lunacy.)

79. Manual of Psychological Medicine, by Dr. Bucknill and Dr. Tuke. London. (A very comprehensive and valuable work — criminal and other lunacy.)

80. Journal of Mental Science, edited by Dr. Mandesly and Dr. Robertson. London. (Quarterly.) (Many valuable papers on criminal lunacy and medical jurisprudence.)

81. Medical Jurisprudence, by Taylor. London: (A legal and medical standard.)

82. Adult Reformatories, by T. B. Z. Baker. 16 pp. Gloucester.

83. Journal of the London Statistical Society. London. (Many valuable papers on crime, criminal statistics, etc.)

84. Remunerative Prison Labor, by Sir John Bowring. 44 pp. London: Kent, 1865.

85. The Influence of Profitable Prison Labor upon the Reformation of Criminals, by Sir John Bowring. 26 pp. London, 1868.

86. Essay on Juvenile Delinquency, by Thomas Beggs. London, 1850.

87. De l'Amelioration, de la Loi Criminelle (in French) by M. Bonneville de Marsangy. Paris: 1864. 2 vols. (An excellent and very comprehensive work).

88. Publications (in French) of the Belgian Society, for the

Abolition of Capital Punishment, by M. Thonissen, M. Visschers and others. Liege: 1855–1865.

89. Essay on Capital Punishment, by Professor Neate, of Oxford, London.

90. De Doodstraf, (in Dutch) by Van Bemmelen. 3 essays. Leyden, and at Alcmen, 1865.

91. Pro ed Contra nella quistione della Pena di Morte, by Gabba (in Italian), Piza, 1866.

92. Giornale per L'Alvizione, della Pena di Morte. (Journal of Capital Punishment) serial in Italian, by Professor Pietro Ellero. Bologna, Italy.

93. M. Charles Lucas, Inspector-General of Prisons, Paris: many pamphlets on Prisons and Capital Punishments. Paris, 1830–1870.

94. Philosophie du Droit Pénal, by A. Franck (in French). Paris, 1864.

95. Die Strafrechts Zeitung (a German periodical on criminal treatment, published at Berlin, and ably edited by Dr. Franz Von Holtzendorff, professor of law in university of Berlin).

96. Treatise on Criminal Law of the United States, by Wharton. Philadelphia, 1857.

97. Essay on Capital Punishment, by W. M. Best (in favor of capital punishment). London, 1856.

98. Essay on Capital Punishment, by Lord Hobart. London, 1861.

99. Treatise on Criminal Law, by Davis. Philadelphia, 1838.

100. Criminal Law, by J. Fitzjames Stephen. London: Butterworth (about 1865).

101. Statistique Comparée de la Criminalité, by M. Ducpetiaux, Inspector of Belgian Prisons. Brussels, 1835.

102. The Punishment of Death, 2 vols. (extracted from Morning Herald.) London, 1837.

103. History and Results of Capital Punishment, by Humphrey Woolrych, Sergeant-at-law. London, 1832.

104. Essays (various) on Abolition of Capital Punishment, by De Sellon, of Geneva. Geneva, 1830.

105. Du Systeme Pénal, from M. Charles Lucas. Paris, 1827.

106. Du Systeme Pénitentiare en Europe et aux Etats Unis. 2 vols. Paris, 1830.

107. Report on Penal Law, by Hon. Edward Livingston. New Orleans, 1824.

108. Penal Jurisprudence, by William Roscoe (of Liverpool). London, 1819.

109. De la Peine de Mort, by Guizot (afterwards prime minister of France). Paris, 1829.

110. Essay on Civil and Penal Legislation; Essay on Rewards and Punishments, by Jeremy Bentham. London: several editions, various dates.

111. An Inquiry into the Effects of Public Punishments, by Benjamin Rush. Philadelphia, 1787.

112. Beccaria on Crimes and Punishments. (Many editions, in English, German, etc. A standard work.) Original work in Italian, viz.: Dei Delitti e delle Pene, by Beccaria. Monaco, 1764.

113. The Civic Economy of Large Towns, by Dr. Chalmers. Glasgow and London. (A *standard* on the best modes of preventing poverty and crime.)

114. On the Principles of Charitable Institutions. 372 pp. London: Longmans, 1836. (Good and comprehensive.)

115. The Visitor of the Poor, by Baron de Gerondo and Rev. Dr. Tuckerman (of Boston). 190 pp. London: Simpkin, 1833. (An excellent and practical work.)

116. On the Poor and Christian Almsgiving, by S. R. Bosanquet. London: James Burns, 1841. 416 pp.

117. Essays to do Good, by Dr. Cotton Mather, of Massachusetts. Many editions.

118. Philanthropic Repertory (plans for improving condition of poor), by John Hull. 6th edition. London: Snow, 1841.

119. Report of English Houses of Convocation on Intemperance. London: Longman, 1869. 238 pp.

120. Loving Kindness (christian success in reclaiming fallen women). London: Nisbet, 1861. 242 pp.

3. *List of Works furnished by* Gen. Amos Pilsbury, *Superintendent of the Albany Penitentiary*, Albany, N. Y.:

Abbott (A. O.) Prison Life in the South. 12mo. New York, 1865.

Adshead (Joseph). Prisons and Prisoners. 1 vol., 8vo. London, 1845.

Beaumont (G. de). Penitentiary System of the United States, and its application in France. Translated from the French by F. Lieber. Philadelphia, 1833.

Bentham (Jeremy). Considerations on Prisons, with Plans for their better Regulation. 1812.

Buxton (Sir Thos. Fowell). Inquiry whether Crime and Misery are Produced or Prevented by our Present System of Prison Discipline; with J. J. Gurney's Notes on a Visit made to some of the Prisons in Scotland and the north of England. London, 1818.

Carey (Matthew). Thoughts on Penitentiaries and Prison Discipline. 1831.

Carpenter (Mary). Our Convicts. 2 vols., 8vo. London, 1864.

Chesterton (George L). Revelations of Prison Life, with an inquiry into Prison Discipline and Secondary Punishments. 2 vols. London, 1856.

Corne (A). Prisons et Détenus. 1 vol., 12mo. Paris, 1869.

Craven (John J). Prison Life of Jefferson Davis. 8vo. London, 1866.

Dix (Miss D. L.) Remarks on Prisons and Prison Discipline. Boston, 1845.

Ducpétiaux (Ed.) Des Progrés et de l'Etat Actuel de la Réforme Pénitentiaire et des Institutions Préventives aux Etas-Unis, en France, en Suisse, en Angliterre et en Belgique. 3 vols. 18mo. with plates. Paris and Brussels, 1867.

Dyer (Rev. David). History of the Albany Penitentiary. 1 vol. 8vo. Albany, 1867.

Field (Rev. J.) Prison Discipline, and the Advantages of the Separate System of Imprisonment; with a detailed account of the Discipline now pursued in the new County Gaol at Reading. 2 vols. 8vo. London, 1848.

Friend (The Prisoner's). A Monthly Magazine, devoted to Criminal Reform, etc. Boston, 1851.

Foulke (W. P.) Remarks on the Penal System of Pennsylvania, particularly with reference to County Prisons. Philadelphia, 1855.

—— On Cellular Separation. Philadelphia, 1861.

Gray (F. C.) Prison Discipline in America. Boston, 1847.

Greenhow (Mrs.) My Imprisonment. 1 vol. 8vo. London, 1863.

HILL (Frederic). Crime; Its Amount, Causes and Remedies. London, 1855.

HOLTZENDORFF. The Irish Convict System. London, 1860.

HOLFORD (George). Account of the General Penitentiary at Millbank. London, 1828.

HOWARD (John). State of the Prisons in England and Wales. Fourth edition. London, 1789–1792. 2 vols.

HUBBELL (G. B). State Prison Discipline. Remarks in New York Assembly, 1859. Albany, 1859.

JAMESON (Mrs). Sisters of Charity and Communion of Labor. Containing articles on Prisons and Penitentiaries, etc. London, 1859.

LAFARGE (Mdme). Heurs de Prison. 1 vol., 18mo. Paris, 1868.

Letters on the comparative Merits of the Pennsylvania and New York Systems of Penitentiary discipline. By a Massacusetts man. 1 vol., 8vo. Boston, 1836.

LIEBER (Francis). A popular Essay on subjects of Penal Law, and on Uninterrupted Solitary Confinement at Labor, as Contradistinguished to a Solitary Confinement at Night, and Joint Labor by Day; in a letter to John Bacon. Philadelphia, 1838.

LIVINGSTON (Edward). Letter to Robert Vaux on the Pennsylvania system of Prison Discipline. Philadelphia, 1828.

LOISELEM (Jules). Les Crimes et les peines dans l'antiquitè et dans les temps modernes. 1 vol., 18mo. Paris, 1868.

LUCKEY (Rev. John). Prison Sketches. By a Chaplain. Edited by D. P. Kidder. New York, 1849.

MECHANICS' STATE CONVENTION. Proceedings of the, at Utica, 1834, on the effect produced on the Trades by the System of State Prison Discipline.

MCNEIL (D. B.) Laws of the State of New York relating to State Prisons and the State Lunatic Asylum for Insane Convicts, passed since the adoption of the Constitution of 1846. Compiled from and compared with the original laws on file in the office of the Secretary of State. Albany, 1864.

PACKARD (F. A.) Inquiry into the alleged tendency of the Separation of Convicts, one from the other, to produce Disease and Derangement. By a citizen of Pennsylvania. Philadelphia, 1849.

—— Memoir of a late visit to Auburn Penitentiary. Philadelphia, 1841.

—— Vindication of the Separate System of Prison Discipline

from the misrepresentation of the North American Review, July, 1839. Philadelphia.

Pennsylvania. History of the Eastern Penitentiary of. Philadelphia, 1852.

Pellico (Silvio). Le Mie Prigioni.

Phelps (Richard H.). A History of Newgate of Connecticut, at Simsbury, now East Granby; its Insurrections and Massacres. Also some account of the State Prison at Wethersfield. 1 vol. Albany, 1860.

Powers (Gershom). Letter to Edward Livingston in relation to Auburn State Prison, 1829.

A Brief Account of the Auburn State Prison. Auburn, 1826.

Prison Characters, Drawn from Life, with Suggestions for Prison Government, by a Prison Matron. 2 vols. London, 1866.

Reports of the Prison Discipline Society, 1826–1854. 3 vols., 8vo. Boston, 1855.

Sampson (M. B.) Rationale of Crime, and its Appropriate Treatment; being a Treatise on Criminal Jurisprudence, considered in relation to Central Organization, with Notes and Illustrations, by E. W. Farnham, Matron of Mount Pleasant State Prison. New York, 1846.

Scenes and Stories by a Clergyman in Debt, written during his confinement in the Debtor's Prison. 3 vols. 8vo. London, 1835.

Smith (G. W.) A Defence of the System of Solitary Confinement of Prisoners in Pennsylvania. Philadelphia, 1838.

Soldan (Mariano Felipe Paz). Examen de las Penitenciarias de los Estados Unidos. 1 vol. New York, 1853.

Tellkampf (J. L.) Essays on Law Reform, Penitentiaries, etc., in Great Britain and the United States. London, 1859.

Whately (Richard). Thoughts on Secondary Punishments; to which are appended two articles on Transportation to New South Wales and on Secondary Punishments; and some Observations on Colonization. 1 vol. London, 1832.

4. *List of Works furnished by* Francis Lieber, LL.D., *Professor in Columbia College Law School.*

1. On the Penitentiary System in the United States, and its Application in France, with an Appendix on Penal Colonies; and, also, historical notes, by G. de Beaumont and A. de Tocqueville; translated from the French; with an Introduction, Notes and Addi-

tions, by Francis Lieber. Philadelphia: Carey, Lea & Blanchard, 1833.

2. Remarks on the Relation between Education and Crime, in a letter to the Right Rev. William White, D.D., President of the Philadelphia Society for alleviating the Miseries of Public Prisons, by Francis Lieber, LL.D., member of the society; to which are added some Observations by M. H. Julius, M.D., of Hamburg, corresponding member of the society. Published by order of the Society. Philadelphia, 1835.

3. A Popular Essay on Subjects of Penal Law and on Uninterrupted Solitary Confinement at Labor, as contradistinguished to Solitary Confinement at Night, and Joint Labor by Day, in a letter to John Brown, Esq., President of the Philadelphia Society for alleviating the Miseries of Public Prisons, by Francis Lieber, corresponding member of the society, etc., with the motto — *mild law, firm judges, calm punishments.* Philadelphia. Published by order of the Society, 1838.

4. In German: Fragments on Subjects of Penology, especially on Separate or Solitary Confinement, by Francis Lieber, Professor in the United States. Hamburg, 1845. Agency of the Rauhe Hauss.

5. In German: On Executions in the Open Field, and on Extramural and Intramural Executions, by Francis Lieber. Published by Mittermaier, in Kistische Zeisschreft der Rechtswinerscheft, etc. Vol. XVII, No. 1.

6. In German: On the Independence of the Administration of Justice, or the Liberty of Law in England and the United States, in a letter from America, by Francis Lieber. Heidelberg, 1848.

7. On the Abuse of the Pardoning Power. Published as a document by the New York Legislature.

8. Remarks on Mrs. Fry's Views of Solitary Confinement. Published in England.

9. A Letter on the Penitentiary System. Published by the Legislature of South Carolina, 1840.

5. *List of Works furnished by* Rev. THOMAS K. FESSENDEN, *Secretary of the Board of Trustees of the Girls' Industrial Reform School of Connecticut:*

Two Prize Essays on Juvenile Delinquents. Smith, Elder & Co.: London, 1853. 1 vol., 8vo.

Social Evils: Their Cause and Cure, by Alex. Thompson Nisbet & Co.: London, 1852. 1 vol., 8vo.

Leifde's Six Months among the Charities of Europe.

Praying and Working, by Stevenson. R. Carter & Brothers· New York. 1 vol., 12mo.

6. *List of Works furnished by* Dr. WINES, *not contained in the Library of New York Prison Association:*

Report on the Prisons of the United States, with special reference to their Industries and Financial Administration, made under authority of the State of Maine, by Hon. James G. Blaine.

Thoughts on Penitentiaries and Prison Discipline, by Matthew Carey. Philadelphia, 1831. 1 vol., 8vo.

World in a Pocket-book, by W. H. Cramp. Pages 197 *et seq.*, contain an article on prison statistics, which shows in what prisons of the United States the earnings of the convicts have exceeded, and in what fallen short, of the expenses.

Remarks on Prisons and Prison Discipline, by Dorothea L. Dix. Boston, 1845. 1 vol.

Encyclopedia Americana: Article on Prison Discipline, by Dr. Lieber.

New American Encyclopedia: Article on Prison Discipline, by Dr. Brockett.

Speech of the Hon. Gaylord B. Hubbell, in the Legislature of New York, 1859.

Letters on the Comparative Merits of the New York and Pennsylvania Systems of Prison Discipline. By a Massachusetts man. Boston, 1836. 1 vol., 8vo.

Introductory Report to the Code of Prison Discipline, prepared for the State of Louisiana, by Edward Livingston. Philadelphia, 1827. 1 vol., 8vo.

Letter to Robert Vaux, on the Pennsylvania System of Prison Discipline, by Edward Livingston. Philadelphia, 1828. 1 vol. 8vo.

A System of Penal Law for the State of Louisiana, containing (among others) a Code of Crimes and Punishments, and a Code of Reform and Prison Discipline.

Abolishment of the Lash in Penitentiaries: a Report made to the Legislature of New York, 1846.

Rationale of Crime, and its appropriate treatment: a Treatise on

Criminal Jurisprudence, considered in relation to Central Organization, by M. B. Sampson. New York, 1846. 1 vol., 12mo.

A Defence of the System of Solitary Confinement of Prisoners in Pennsylvania, by G. W. Smith. Philadelphia, 1833.

Articles on Prison Discipline in the North American Review, by Edward Everett, vol. 37, p. 117; by G. S. Hillard, vol. 47, p. 452; by Francis Wayland, D.D., vol. 49, p. 1; by F. Bowen, vol. 66, p. 145.

There are several by F. B. Sanborn, but I am unable to give the references.

Articles on Prison Discipline in the Christian Examiner: By L. Tappan, vol. 3, p. 203; by S. A. Eliot, vol. 10, p. 15; by F. W. Greenwood, vol. 16, p. 251; by R. C. Watertown, vol. 26, p. 54; by Francis Parkman, D.D., vol. 27, p. 381; by Charles Sumner, vol. 40, p. 122; by J. H. Morrison, vol. 44, p. 273.

Articles on Prison Discipline in the American Quarterly Review. Volume 14, p. 28, and vol. 18, p. 451.

Article in the Princeton Review, vol. 21, p. 331.

7. *List of Works furnished by* HENRY CORDIER, *Superintendent of the Allegheny County Workhouse, Pennsylvania, in German and French:*

a. *German.*

YUGSCHWERT: (Yoh. Bapt.) Din Schaufungen der Funiheitstrafe. Wien Manz, 1865.

FUESSLIN (J.) Die Grundbedungen jeder Gefüngniss reform im Siune der Eingelhaft. Erlangen Euke, 1865.

JOHN (Dr. Rich Ed.) Ueber Strafanstalten. Berlin: Luderitz, 1865.

HAUSNER (Otto.) Vergleichende Statistick von Europa. Lemberg: Milikowsky, 1865.

STEWGLEIN (M.) Samburg der deutschen Strafgesezbücher. 13 Hefte. Munchen, 1858.

KUHNE (I. Ch.) Pericht über die Verwallung du Strafanstall, St. Jacob: St. Gallen, Kälin, 1863.

MESS (Dr.) Die öffeuslichi Meinung gegenüber den Gefangnissen. München, 1865.

BEHREND (Dr. F. I.) Geshichte der Gefangnissuform (Ver. Staaten, Grossbritanun, Irland) Berlin, 1859.

TUBSDORF (C. H.) Beiträge yur characteristik des Strafanstalts Armen-und Erziehungswesens. Dessau: Punitrseh, 1863.

Hindberg (E. G. A.) Die Berufsthätegkeil des Gefangiss-Geistlichen. Leipsiz: Albert Fritsch, 1866.

Heine (W.) Die Besserung als Strafzoeck und das Aufsichtspersonal der Strafanstalten. Leipzig: Barth, 1866.

Orelli (Dr. A. v.) Ueber Errichtung von Fwangserbeits-Anstalten. Zürich: Herzog, 1865.

Tugschevesh (Joh. Bapt.) Der Vollzug du Friecheitsstrafe. Wien: Waldheim, 1867.

Aandll (Carl Wilhelm). System du Gefaügnisskunde. Göttingen: Vanderhock & Ruprecht, 1866.

Michel (C. S.) Handbuch des Gefaüquiss und Strafvollstreckungswesens bei den Gerichten in Preussen, etc. Berlin: Grieben, 1867.

Drobish (Moriz Wilhelm). Die moralishe Statistick und die menschliche Willensfreihut. Leipzig: Voss, 1867.

Christeansen (D. C.) Ueber Qualität und Luantität der Strafe, mit besonderer Boziehung auf die Todesstrafe. Kiel: Schroeder, 1865.

D'Muige (Eugen). Besserung auf dem Wege der Tudividualisirung. Leipzig: Barth, 1865.

Das Work der Liebe an entlassenen Strafgefangnen. (Gekrönte Preisschrift. Cöln: C. Römke & Cie.)

Richard (Dr. E.) Desinfection und desinficerënde Mittel. Erlangen: Enkle, 1867.

b. *French.*

Des systemes pénitentiaires aux Etats-Unis, par de Beaumont et de Tocqueville. Paris, 1833.

Rapport á M. le Comte de Mantalivet sur les pénitentiaires des Etats-Unis, par De Metz et Blouet. Paris, 1837.

Italian Books.

Frederico (Belazzi.) Prigioni e Prigionieri nel Regno d'Italia. Firenze: Tipogcafia Militare, 1866.

Statistica delle Case dipena del Regno d'Italia, per gli anni 1862, 1863, 1864. Torino: Favale & Cie.

8. *List of Works furnished by Baron* FRANZ VON HOLTZENDORFF, *Professor of Law in the Royal University, Berlin, Prussia, in the German Language.*

d'Alinge: „Besserung auf dem Wege der Individualisirung." Leipzig, 1865.

Bauer: „Ueber den Gewerbsbetrieb in Strafanstalten."

Behrend: „Geschichte der Gefängnißreform." Berlin, 1859.

v. Duhn: „Die Gefängnißfrage in ihrem Zusammenhange mit der Zeitentwickelung betrachtet." Lübeck, 1862.

Erkert: „Blätter für Gefängnißkunde." Ersch. bei Waiß in Heidelberg. Herausgegeben von dem Ausschuß des Vereins der deutschen Strafanstalten. Heidelberg, 1864 — 1870.

Fienemann: „Handbuch für Gefangen-Aufseher und Gefangen-Aufseher-Aspiranten." Lüneburg, 1864.

Füeßlin: „Ueber die Einzelnhaft." 1855.

Füeßlin: „Die Grundbedingungen jeder Gefängnißreform im Sinne der Einzelnhaft." Leipzig, 1865.

Hägele: „Erfahrungen in gemeinsamer und einsamer Haft."

Hänell: „System der Gefängnißkunde." Nebst einem kurzen Anhange: „Von der Verwaltung des Predigtamtes am Gefängniß." Göttingen, 1866.

Hindberg: „Die Berufsthätigkeit der Gefängnißgeistlichen." Leipzig 1866.

v. Holtzendorff „Das irische Gefängnißsystem, in'sbesondere die Zwischenanstalten." Leipzig, 1859.

v. Holtzendorff: „Die Brüderschaft des „Rauhen Hauses'„ ein protestantischer Orden." Berlin, 1861.

v. Holtzendorff: „Die Kürzungsfähigkeit der Freiheitsstrafen und die bedingte Freilassung der Sträflinge in ihrem Verhältniß zum Strafmaße und zu den Strafzwecken." Leipzig, 1861.

v. Holtzendorff: „Allgemeine deutsche Strafrechtszeitung." 1861—1870.

v. Holtzendorff: Kritische Untersuchungeu über die Grundsätze und Ergebnisse des irischen Strafvollzuges." Berlin, 1865.

Jagemann: „Jahrbücher der Gefängnißkunde."

John: „Ueber Strafanstalten." Ein populärer Vortrag. Berlin, 1865.

Julius: „Vorlesungen über Gefängnißkunde, oder über die Verbesserung der Gefängnisse und sittliche Besserung der Gefangenen, entlassenen Sträflingen u. s. w. gehalten im Frühling 1827 zu Berlin." Berlin, 1828.

Krell: „Pädagogische Briefe für Aufsichtsbeamte an Strafanstalten." Zwickau, 1863.

Krohne: „Die Organisation des Gefängnißwesens mit besonderer Beziehung auf die kleineren Gefängnisse für die Unterstützungs- und kurzzeitigen Strafgefangenen."

Michel: „Handbuch des Gefängniß- und Straf-Vollstreckungs-Wesens bei den Gerichten in Preußen für Richter, Subalternbeamte und Gefängniß-Inspektoren." Berlin 1860.

Mittermaier: „Die Gefängnißverbesserung, in'sbesondere die Bedeutung und Durchführung der Einzelnhaft im Zusammenhang mit dem Besserungsprinzip nach den Erfahrungen der verschiedenen Strafanstalten." Erlangen, 1858.

Mittermaier: „Der gegenwärtige Zustand der Gefängnißfrage, mit Rücksicht auf die neuesten Leistungen der Gesetzgebung und Erfahrungen über Gefängnißeinrichtung, mit besonderer Beziehung auf Einzelnhaft." Erlangen, 1860.

Ortloff: „Ueber Beschäftigung der Gefängniß-Sträflinge." Jena, 1862.

Röder: „Der Strafvollzug im Geist des Rechts." Leipzig u. Heidelberg 1863.

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XLV. STATISTICS OF JUVENILE REFORMATORIES IN THE UNITED STATES FOR 1869.

N. B. The following tables were prepared by B. K. Pierce, D.D., to accompany his paper, entitled A General View of Preventive and Reformatory Institutions in the United States, for which see pages 21-37.

State.	Title.	Location.	Superintendent.	Estimat'd value of real estate.	Estimat'd value of personal property.	Number of acres.	When opened.	WHOLE NO. OF INMATES SINCE OPENED.		
								Boys.	Girls.	Total.
California,	Industrial School,	San Francisco,	Joseph Wood,	.....	.....	.....	1858	595	143	738
Connecticut,	State Reform School,	West Meriden,	E. H. Hatch,	$125,000	$5,000	162	1854	1,540	.....	1,540
Illinois,	Chicago Reform School,	Chicago,	Robt. Turner,	71,000	32,753	27	1855	1,121	.....	1,121
Indiana,	House of Refuge,	Plainfield,	Frank B. Ainsworth,	115,000	3,000	225	1868	211	.....	211
Kentucky,	House of Refuge,	Louisville,	P. Caldwell,	150,000	23,000	80	1865	376	.....	376
Louisiana,	House of Refuge,	New Orleans,	Wm. Bosworth,	25,000	.....	2½	1847	.....	.....	.....
Maine,	State Reform School,	Cape Elizabeth,	Hon. E. W. Woodbury,	100,000	25,000	160	1853	1,202	.....	1,202
Maryland,	House of Refuge,	Baltimore,	W. R. Lincoln,	265,500	.....	50	1855	1,716	265	1,981
Massachusetts,	State Reform School,	Westborough,	Benj. Evans,	100,637	57,000	253	1848	3,821	.....	3,821
	Nautical Reform School (two Ships),	Harbors of Boston and New Bedford,	Richard Mathews,	.....	65,000	.....	1860	1,970	.....	1,970
	State Industrial Sch'l for girls,	Lancaster,	Rev. Marcus Ames,	71,631	55,874	175	1856	.....	728	728
	House of Reformation,	Deer Island,	.....	.....	.....	.....	1827	.....	.....	.....
Michigan,	State Reform School,	Lansing,	Rev. Chas. Johnson,	70,000	.....	235	1856	1,104	8	1,112
Missouri,	House of Refuge,	St. Louis,	F. S. W. Gleason,	75,000	.....	20	1854	1,938	538	2,476
New Hampshire,	State Reform School,	Manchester,	Isaac H. Jones,	.....	75,091	.....	1856	505	117	622
New Jersey,	State Reform School,	Jamesburgh,	Rev. L. H. Sheldon,	82,175	78,000	495	1867	137	.....	137
New York,	Catholic Protectory,	West Farms,	Brother Tellow (boys),	272,178	32,144	.....	1862	.....	.....	.....
		West Farms,	ister De Chantal (girls)	.....	.....	.....	.....	.....	.....	.....
	House of Refuge,	Randall's Island,	Israel C. Jones,	600,000	25,000	37½	1825	.....	.....	13,321
	Juvenile Asylum,	New York,	S. D. Brooks,	500,000	40,000	20	1853	11,419	2,377	13,796
	Western House of Refuge,	Rochester,	Levi S. Fulton,	113,800	.....	41	1849	3,147	.....	3,147
Ohio,	House of Refuge,	Cincinnati,	H. A. Montfort,	800,000	30,396	10	1850	2,116	438	2,554
	State Reform School,	Lancaster,	G. E. Howe,	40,000	20,000	1,170	1858	1,266	.....	1,266
	State Reform and Industrial School for girls,	White Sulphur Spr'gs,	John Nichols,	55,000	9,109	180	1869	.....	12	12
Pennsylvania,	House of Refuge (white dept),	Philadelphia,	Jesse K. McKeever,	380,000	.....	4	1828	8,826	2,174	11,000
	House of Refuge (col'd dept),	Philadelphia,	J. Hood Laverty,	150,000	15,000	2	1850	1,340	644	1,984
	Western House of Refuge,	Pittsburgh,	R. N. Avery,	128,884	.....	10	1854	1,461	562	2,023
Rhode Island,	Providence Reform School,	Providence,	James M. Talcott,	100,000	10,000	4	1850	1,389	398	1,787
Vermont,	State Reform School,	Waterbury,	Wm. G. Fairbank,	20,200	.....	133	1866	221	.....	221
Wisconsin,	State Reform School,	Waukesha,	A. D. Hendrickson,	60,000	.....	180	1860	456	69	525

Krell: „Pädagogiſche Briefe für Aufſichtsbeamte an Strafanſtalten." Zwickau, 1863.

Krohne: „Die Organiſation des Gefängnißweſens mit beſonderer Beziehung auf die kleineren Gefängniſſe für die Unterſtützungs- und kurzzeitigen Strafgefangenen."

Michel: „Handbuch des Gefängniß- und Straf-Vollſtreckungs-Weſens bei den Gerichten in Preußen für Richter, Subalternbeamte und Gefängniß-Inſpektoren." Berlin 1860.

Mittermaier: „Die Gefängnißverbeſſerung, in'sbeſondere die Bedeutung und Durchführung der Einzelnhaft im Zuſammenhang mit dem Beſſerungsprinzip nach den Erfahrungen der verſchiedenen Strafanſtalten." Erlangen, 1858.

Mittermaier: „Der gegenwärtige Zuſtand der Gefängnißfrage, mit Rückſicht auf die neueſten Leiſtungen der Geſetzgebung und Erfahrungen über Gefängnißeinrichtung, mit beſonderer Beziehung auf Einzelnhaft." Erlangen, 1860.

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Louisiana,	House of Refuge,	New Orleans,	Wm. Bosworth,	25,000	.....	2½	1847	.....	.....	.....
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	House of Reformation,	Deer Island,	.....	.....	.....	.....	1827	.....	.....	.....
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New Jersey,	State Reform School,	Jamesburgh,	Rev. L. H. Sheldon,	82,175	78,000	495	1867	137	.....	137
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		West Farms,	ister De Chantal (girls)	.....	.....	.....	.....	.....	.....	.....
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	Juvenile Asylum,	New York,	S. D. Brooks,	500,000	40,000	20	1853	11,419	2,377	13,796
	Western House of Refuge,	Rochester,	Levi S. Fulton,	113,800	.....	41	1849	3,147	.....	3,147
Ohio,	House of Refuge,	Cincinnati,	H. A. Montfort,	800,000	30,386	10	1850	2,116	438	2,554
	State Reform School,	Lancaster,	G. E. Howe,	40,000	20,000	1,170	1858	1,266	.....	1,266
	State Reform and Industrial School for girls,	White Sulphur Spr'gs,	John Nichols,	55,000	9,109	180	1869	.....	12	12
Pennsylvania,	House of Refuge (white dept),	Philadelphia,	Jesse K. McKeever,	380,000	.....	4	1828	8,826	2,174	11,000
	House of Refuge (col'd dept),	Philadelphia,	J. Hood Laverty,	150,000	15,000	2	1850	1,340	644	1,984
	Western House of Refuge,	Pittsburgh,	R. N. Avery,	123,884	.....	10	1854	1,461	582	2,043
Rhode Island,	Providence Reform School,	Providence,	James M. Talcott,	100,000	10,000	4	1850	1,389	398	1,787
Vermont,	State Reform School,	Waterbury,	Wm. G. Fairbank,	20,200	.....	123	1866	221	.....	221
Wisconsin,	State Reform School,	Waukesha,	A. D. Hendrickson,	60,000	.....	180	1860	456	59	525

STATISTICS — (*Continued.*)

State.	Title.	Disciplinary punishment employed, 1868.	PERCENTAGE OF—									
			Reformation.	Deaths since opening.	Deaths in 1868-9.	Escapes since opening.	Escapes in 1868.	Foreign born.	Foreign parentage.	Orphans.	Half-orphans.
California,	Industrial School,	.....	.....	1.55	1.94	12.19	9.37	26.00	.....	10.16	36.84
Connecticut,	State Reform School,	Corporal, diminution of meals, etc.,	70.	1.	1.	.04	.....	.02	50.	8.	40.13
Illinois,	Chicago Reform School,	Grade system,	.....	.....	.....	.....	.....	.....	.....	.....	.....
Indiana,	House of Refuge,	Bread & water, demerits, confinement, etc.,	.....	1.	.....	.....	.....	.....	14.	5.	12.
Kentucky,	House of Refuge,	.....	.....	4.	3.	7.	.....	2.	41.	19.	31.
Louisiana,	House of Refuge,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Maine,	State Reform School,	.....	50.	.66	2.	.....	.....	5.	40.	10.	12.
Maryland,	House of Refuge,	Corporal, grade system, deprivat'n of meals,	87.	1.02	.42	1.41	.04	6.02	57.	8.05	51.
Massachusetts,	State Reform School,	Corporal and confinement,	75.	.16	.007	.016	.16	.12	75.	.42	29.
	Nautical Reform School,	Usual punishments of the school-room,	.....	.19	.001	.44	1.02	7.	68.	10.	52.
	State Industrial School for girls,	Deprivation of meals and solitude,	50.	.008	.000	.003	.....	.016	50.	20.	34.
	House of Reformation,	Corporal, deprivation of meals, solitude,	.....	.....	.....	.....	.....	.....	.....	.....	.....
Michigan,	State Reform School,	.....	.....	1.06	.....	.....	.....	.....	.....	.....	.....
Missouri,	House of Refuge,	Corporal, bread and water and solitude,	75.	.0048	.....	.....	6.50	8.	60.	21.	43.
New Hampshire,	State Reform School,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Jersey,	State Reform School,	.....	.53	.....	.....	.....	.....	.....	.....	.....	.....
New York,	Catholic Protectory,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	House of Refuge,	Grade system, corporal punishm't (if needed),	.....	.....	.003	.....	.0044	.....	50.	.25	.5
	Juvenile Asylum,	Corporal punishment,	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Western House of Refuge,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ohio,	House of Refuge,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	State Reform School,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	State Reform and Ind. School for girls,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pennsylvania,	House of Refuge (white department),	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	House of Refuge (color'd departm'nt),	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Western House of Refuge,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rhode Island,	Providence Reform School,	Usually moral agencies, grade system,	.....	.....	.....	.....	.....	.....	.....	.....	.....
Vermont,	State Reform School,	.....	.....	.....	7.	.....	.....	30.	.....	10.	20.
Wisconsin,	State Reform School,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

STATISTICS — (*Continued.*)

State.	Title.	PERCENTAGE OF—													
		Wholly illiterate.	Intemperate parents.	Fathers without occupation.	Parents separated.	Parents quarreled.	Parents irreligious.	Parents had been in prison.	Relatives had been in prison.	Had step-parents.	Previously arrested.	Those who had been idle	Those who had been profane.	Those not regular at S. school.
California,	Industrial School,	.....	6.10	.....	13.36	.....	.....	.....	.....	6.35	.....	62.28	.....	.....
Connecticut,	State Reform School,	25	40	.....	.....	.....	100.	.....	.....	21.	16.	67.	76.	78.
Illinois,	Chicago Reform School,	42.85	47.62	.....	.....	22.22	.....	47.62	.....	20.15	.....	.....	.....	.....
Indiana,	House of Refuge,	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	26.	7.
Kentucky,	House of Refuge,	19	19	....	10.	14.	12.	.....	.....	15.	37.	16.	.....	.....
Louisiana,	House of Refuge,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Maine,	State Reform School,	6	20	.....	.....	.....	.....	1.	.....	12.	.....	52.	52.	52.
Maryland,	House of Refuge,	21	35.50	.....	8.	.....	.....	.....	.....	.....	38.70	62.	90.	.....
Massachusetts,	State Reform School,	16	33	90.	42.	.....	.....	40.	30.	12.	37.	.....	.....	10.
	Nautical Reform School,	.....	.....	.....	.....	.....	.....	.....	.....	.....	60.	.....	.....	.....
	State Industrial School for Girls,	10	50	.....	17.	100.	100.	.....	.....	11.	6.	90.	50.	100.
	House of Reformation,	.....	26.09	.....	8.69	.....	.....	.....	20.69	6.95	28.69	.....	.....	.....
Michigan,	State Reform School,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	100.	100.	100.
Missouri,	House of Refuge,	21	16	2.	3.	10.	15.	7.	7.	22.	22.	11.	42.	57.
New Hampshire,	State Reform School,	.....	34.75	20.68	.....	.....	.....	.....	.....	25.86	20.68	63.79	34.48	63.79
New Jersey,	State Reform School,	2	8	.....	1.	3.	6.	3.	3.	5.	12.	23.	24.	21.
New York,	Catholic Protectory,	43.01	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	House of Refuge,	.....	.....	.....	.018	.....	.....	.008	.....	.01	.....	.....	.....	.....
	Juvenile Asylum,	43.40	29.15	.....	.....	.....	.....	.....	.....	.....	12.79	.....	.....	.....
	Western House of Refuge,	.....	31.30	.....	5.00	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ohio,	House of Refuge,	.....	.....	.....	.....	.....	.....	.....	.....	20.	25.	70.	75.	.....
	State Reform School,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	25.	.....
	State Ref. and Ind. School for Girls,	.....	1	.....	3.	.....	7.	.....	.....	2.	.....	3.	5.	7.
Pennsylvania,	House of Refuge (white depart.),	45.30	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	House of Refuge (colored depart.),	62.65	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Western House of Refuge,	2.72	.....	.....	8.22	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rhode Island,	Providence Reform School,	6	23	12	7.	.....	.....	5.	.....	9.	14.	50.	50.	75.
Vermont,	State Reform School,	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wisconsin,	State Reform School,	.....	27.77	.....	15.40	.....	.....	.....	.....	28.40	.....	.....	.....	.....

STATISTICS — (*Continued.*)

State.	Title.	Employment of Inmates.	Average number engaged in productive labor.	Aggregate earnings.	Earnings per capita on whole number.
California,	Industrial School,	Shoemaking and tailoring,		$427 00	$2 00
Connecticut,	State Reform School,	Farming, boot & shoemaking, chair seating, tailoring & domestic,	$250	12,000 00	48 00
Illinois,	Chicago Reform School,	Shoe and basket making, chair seating, carpentering, tailoring, &c,	168	8,903 00	26 00
Indiana,	House of Refuge,	Farming, seating chairs, shoemaking,	80	5,164 81	
Kentucky,	House of Refuge,	Farming, tailoring, knitting, shoemaking,	103	3,633 00	21 00
Louisiana,	House of Refuge,				
Maine,	State Reform School,	Farming, seating chairs, shoemaking, brick and tile making,	183	11,000 00	46 00
Maryland,	House of Refuge,	Farming, broom and basket making, shoemaking,	208	8,572 79	
Massachusetts,	State Reform School,	Farming, seating chairs, shoemaking,	307	5,269 00	15 05
	Nautical Reform School,	On watch, schooling and ship's duty,			
	State Industrial School for Girls,	Stitching pocket-books, knitting and house work,			
	House of Reformation,	Farming,			
Michigan,	State Reform School,	Farming and chair seating,	200	9,100 00	33 00
Missouri,	House of Refuge,	Chair making, shoemaking and gardening,		750 60	
New Hampshire,	State Reform School,	Chair making, farming and knitting,		1,327 00	18 00
New Jersey,	State Reform School,	Farming and domestic labor,	67		
New York,	Catholic Protectory,	Shoemaking, hoop skirt, tailoring, printing and domestic labor,	235	1,479 00	8 00
	N. Y. House of Refuge,	Shoemaking, wire work, hoop skirts and domestic labor,		52,667 18	56 57
	Juvenile Asylum,	Tailoring and other work for the institution,			
	Western House of Refuge,	Shoe, brush and chair making, and farming,	300	19,869 00	38 00
Ohio,	House of Refuge,	Shoemaking and general work for institution,	108	5,162 34	
	State Reform School,	Agriculture horticulture, and shoemaking,		4,581 00	16 00
	State Ref. and Ind. School for Girls,	Household work,			
Pennsylvania,	House of Refuge (white department),	Brush, shoe and box making, and blacksmithing,	347	19,502 00	39 00
	House of Refuge (colored department),	Shoemaking, umbrella wires, and match boxes,		3,670 36	31 10
	Western House of Refuge,	Manufacture of whips and shoes, knitting &c.,		1,728 00	8 00
Rhode Island,	Providence Reform School,	Seating chairs, toys, and coffin trimmings,	140	16,808 77	74 90
Vermont,	State Reform School,	Farm, caning chairs, and mill,		4,249 27	49 00
Wisconsin,	State Reform School,	Shoeing and basket making, farming and tailoring,	51		

STATISTICS — (*Continued.*)

State.	Title.	Disposal of Inmates.	Branches taught.	No. of volumes in library.
California,	Industrial School,	Indenture, probation and discharge,	Common school branches,	
Connecticut,	State Reform School,	Indenture and discharge,	Common school branches,	1,200
Illinois,	Chicago Reform School,	Indenture, discharge and ticket of leave,	Common school branches,	500
Indiana,	House of Refuge,	Indenture and discharge,	Common school branches,	200
Kentucky,	House of Refuge,	Indenture and discharge,	Common school branches,	300
Louisiana,	House of Refuge,			
Maine,	State Reform School,	Indenture and discharge,	Common school branches,	1,400
Maryland,	House of Refuge,	Indenture, discharge and ticket of leave,	Com. school branches, algebra, philosophy, etc.,	1,618
Massachusetts,	State Reform School,	Indenture, discharge and probation,	Com. school branches, history and physiology,	2,000
	Nautical Reform School,	Indenture, discharge and probation,	Common school branches and navigation,	850
	State Industrial School for girls,	Indenture and discharge,	Common school branches,	1,000
	House of Reformation,	Indenture, discharge and probation,	Common school and vocal music,	823
Michigan,	State Reform School,	Indenture, discharge and ticket of leave,	Common school branches,	1,400
Missouri,	House of Refuge,	Indenture and discharge,	Common school branches,	584
New Hampshire,	State Reform School,		Common school, physiology, history,	
New Jersey,	State Reform School,	Indenture and discharge,	Common school branches and history,	295
New York,	Catholic Protectory,		Common school branches and music,	
	House of Refuge,	Indenture and discharge,	Common school branches,	1,170
	Juvenile Asylum,	Indenture and discharge,	Common school branches,	2,000
	Western House of Refuge,	Indenture and discharge,	Common school branches,	1,000
Ohio,	House of Refuge,	Indenture and discharge,	Common school branches,	
	State Reform School,	Indenture and discharge,	Com. school branches, algebra and bookkeeping,	3,000
	State Ref. and Indus. School for girls,	Indenture and discharge,	Common school branches,	
Pennsylvania,	House of Refuge (white department),	Indenture and discharge,	Common school branches,	2,500
	House of Refuge (colored department).	Indenture and discharge,	Common school branches,	1,500
	Western House of Refuge,	Indenture and discharge,	Common school branches,	1,465
Rhode Island,	Providence Reform School,	Indenture and discharge,	Com. school branches, algebra and bookkeeping,	1,200
Vermont,	State Reform School,	Discharged,	Common school branches,	
Wisconsin,	State Reform School,	Discharge and ticket of leave,	Common school branches.	260

STATISTICS — (*Continued.*)

State.	Title.	Limits of age within which admissible.	Average age when received.			Terms of sentence.	Average stay in the institution.		
			Yr's.	mo.	d'y.		Yr's.	mo.	d'y.
California,	Industrial School,	6 to 18	10	2	..	Minority,	..	..	..
Connecticut,	State Reform School,	10 to 16	12	6	..	Minority or specific term,	2	1	..
Illinois,	Chicago Reform School,	12 to 16	..	..	..	Minority,	..	..	..
Indiana,	House of Refuge,	under 18	..	..	..	Minority or till reformed,	..	..	..
Kentucky,	House of Refuge,	7 to 16	12	9	8	Minority,	2	9	..
Louisiana,	House of Refuge,		..	..	..		..	..	..
Maine,	State Reform School,	8 to 16	12	..	..	Minority or specific term,	2	..	..
Maryland,	House of Refuge,	8 to 16	13	4	..	Minority,	1	11	10
Massachusetts,	State Reform School,	under 14	11	1	10	Minority,	2	8	13
	Nautical Reform School,	12 to 18	15	..	..	Minority,	1	3	9
	State Industrial School for girls,	7 to 16	13	..	..	Minority, with power to retain until 21,	2	4	..
	House of Reformation,	under 16	11	..	15	Minority or specific term,	..	..	..
Michigan,	State Reform School,	10 to 16	13	6	..	Minority,	2	9	..
Missouri,	House of Refuge,	8 to 17	12	6	..	Minority,	1	3	..
New Hampshire,	State Reform School,	7 to 16	12	10	..	Minority or specific term,	2	4	13
New Jersey,	State Reform School,	8 to 16	13	..	..	Minority,	1	4	25
New York,	Catholic Protectory,		..	..	..	Minority,	..	..	..
	House of Refuge,	under 16	14	5	11	Minority,	1	2	6
	Juvenile Asylum,	7 to 14	12	..	..	Indefinite or during minority,	..	7	..
	Western House of Refuge,	under 16	13	..	..	Minority,	..	..	..
Ohio,	House of Refuge,	6 to 16	14	..	..	Minority,	2	5	5
	State Reform School,	under 16	13	1	23	Minority,	2	..	..
	State Ref. and Industrial School for girls,	7 to 16	13	4	..	Minority,	..	..	..
Pennsylvania,	House of Refuge (white department),	9 to 16	13	10	..	Minority,	1	3	..
	House of Refuge (colored department),	under 16	14	..	..	Minority,	1	10	..
	Western House of Refuge,	9 to 20	13	11	21	Minority,	2	..	15
Rhode Island,	Providence Reform School,	under 18	14	1	6	Minority or specific term,	1	7	10
Vermont,	State Reform School,	under 16	13	6	..	Minority or specific term,	1	2	22
Wisconsin,	State Reform School,	7 to 16	13	8	..	Minority,	2	..	..

XLVI. Special Conferences of Prison Chaplains.

N. B. — Several special meetings were held during the sessions of the congress, by wardens and superintendents of prisons and reformatories; also, by chaplains of the same. The publishing committee were promised a report of the wardens' conferences, but it never came to hand. The Rev. J. K. Mason, of Maine, sent a brief report of the chaplains' meetings, which is as follows:

The chaplains held two meetings for consultation and the comparing of notes. These meetings were very pleasant, and I think useful in the way of *suggestiveness*. The great concern with them all seemed to be, as to the means and manner by which they could do convicts the most good. Some had encountered difficulties; obstructions were put in their way which they had no power to remove. Most received very little sympathy at the first in the prayer meeting effort. But a little trial had changed the current in several instances, and in some the effort had become a most striking success. The Divine spirit had come and wrought, converting some, and making his influence felt throughout the prison.

They were quite unanimous, I think, that the "Law of Love" is the law by which to secure good discipline, though even love must be severe *sometimes*. They believed in the possibility and feasibility of reforming and saving, now and forever, a large per cent of the convicts. They were in sympathy with most of the principles contained in the "platform," and believe that such a system as those principles would legitimately inaugurate would be eminently beneficial to all the interests involved.

XLVII. Report of Special Committee on Dr. Ourt's Paper on Prison Statistics.

St. Louis, *Dec. 20th*, 1870.

Rev. E. C. Wines, D.D.:

Dear Sir,—The committee to whom was referred Dr. Ourt's paper on statistics, with instructions to report to you, have had the same under consideration, and report as follows: The work was done so well by Dr. Ourt that the committee find their task a very light and agreeable one. They submit the inclosed in addition to Dr. Ourt's tables.

Respectfully,

AUGUSTUS W. ALEXANDER,

Chairman.

Name, William Rogers; *Age*, 28; *Nationality* of Prisoner, England; *Nationality* of Parents, (Father Scotch); *Date of Admission*, January 2d, 1872.

To ascertain the Constitutional Tendencies and Propensities.

Questions as to Parents and Grandparents.	Insanity — Grandmother in Asylum 6 months.
	Epilepsy — Mother had epilepsy at 14 years of age.
	Intemperance — Grandparents and Parents all intemperate.
	Education — Grandparents ignorant; Mother read; Father read and write.
	Pecuniary Condition — Grandparents laborers; Parents very poor.
	Paupers or not — Not.
	Criminals or not — Grandfather larceny; Father drunkenness.

To ascertain the social influences that may have shaped the character.

Questions relating to the Prisoner.	Whether reared in the family or not — Yes.
	" " " school or not — No.
	" " " city or country — country till 14; city then.
	" " " practice of religious observances — No.
	The associations of childhood — At home bad; street worse.
	The subsequent associations — Of the lowest kind.

Estimate of the Present Condition.

Physical.	Low — Somewhat diseased (syphilis).
	Medium — Some recuperative energy.
	Good — Natural constitution.
Mental.	Inert — Inert.
	Inactive —
	Active —
Moral.	Vitiated — Vitiated.
	Debased —
	Abnormal —

XLVIII. SPECIAL REPORTS BY WARDENS OF PRISONS AND SUPERINTENDENTS OF REFORMATORIES ON THEIR RESPECTIVE INSTITUTIONS:

In pursuance of a duty laid upon them by the congress, the publishing committee sent out to all the heads of prisons and reformatories in the United States the following circular letter:

NEW YORK, *October* 28, 1870.

DEAR SIR, — The national congress on penitentiary and reformatory discipline, recently held at Cincinnati, Ohio, passed the following resolution, to wit.:

Resolved, That the wardens and superintendents of the penal and reformatory institutions of the United States be invited to furnish reports concerning the methods of administration and discipline, and the internal management and general results of their respective institutions, to be sent to the committee on publication, on or before December 1, 1870, *or at the earliest practicable moment thereafter;* and further, that the committee indicate the leading points in regard to which information is desired.

Agreeably to the foregoing instructions of the congress, the committee appointed to superintend and edit the publication of the transactions of the said congress, address, at the earliest moment, the present circular letter to the officers designated in the resolution above cited; and, in doing so, we beg leave to indicate the following points as those on which information would be most desirable:

1. *Population of the Institution.*—a. How many were received and how many discharged within the last fiscal year? b. What was the average number of inmates during the year, distinguishing between the sexes in each case? c. What, in your judgment, constitute the chief causes of crime?

2. *Government.*—a. Number of officers? b. How appointed? c. Whether appointments are in any way controlled or influenced by politics? d. If yes, what is believed to be the effect of such control or influence?

3. *Discipline.* — a. The most important rules and regulations relating to inmates? b. Are the inmates encouraged by any sys-

tem of rewards for industry and good conduct; and if so, what, and with what effect? c. The several kinds of punishment employed — their frequency — their effect — to what extent recorded? d. How far is kindness employed as a means of discipline — in what ways — with what results? e. Do the inmates wear a parti-colored dress? If yes, do you think the advantages outweigh the disadvantages? If no, when was such dress abolished; on what grounds, and with what results?

4. *Religious and Moral Agencies.* — a. The several kinds of these agencies in use — to what extent employed — with what results? b. Whether all the inmates are provided with bibles? c. Whether tracts and religious papers are distributed among them; and if yes, to what extent? d. Whether there is a prison church, Sunday school, prayer-meeting; and if either, or all, their results? e. Whether volunteer outside workers are admitted? If yes, under what restrictions, and with what effect? If no, the reason for their exclusion?

5. *Correspondence.*—a. Who has charge of this? b. How often are the inmates allowed to write letters? c. General character of their letters? d. General character of letters received by them? e. Is the influence of their correspondence found to be, on the whole, beneficial or otherwise?

6. *Visits of Friends.*—a. How often permitted? b. Under what restrictions? c. What is found to be their influence?

7. *Education.*—What provision, if any, is made for this? Please state, in detail, what is done or proposed under this head, and the results attained or anticipated.

8. *Library.*—a. Have you a library? b. How many volumes, their general character, how much used, and with what effect?

9. *Sanitary state of the Prison or Reformatory.* — a. Dietary? b. Ventilation? c. Drainage? d. Lighting? e. Heating? f. Cleanliness — of the person, clothing, bedding, and prison apartments? g. Amount and kinds of sickness? h. Death-rate.

10. *Industries.* — a. Your labor system? b. What are its results as regards self-support, or otherwise? c. Are you satisfied with your present system? If yes, on what grounds? If no, what change would you propose?

11. *Susceptibility of Criminals to Reformatory Agencies.* — a. What is your belief upon this point? b. How far are the results, in this regard, which you believe possible, accomplished in your

institution? c. What do you conceive to be the chief hindrances to reformation in your institution, as at present constituted? d. What modifications, if any, do you conceive requisite in your present system, to give it the highest attainable efficiency as an agency and instrument of reformation?

To the above request only eleven replies were received — eight from reformatories; two from state prisons, one of which was not represented in the congress; and one from a work-house, also not represented in the congress. The committee judge the number of replies too few to meet what was in the mind of the body in passing the resolution. They can readily understand why the returns were so limited in number. Two causes, probably, operated to produce the result named. 1. The time within which the reports were called for was restricted to only a little more than a month. 2. Most of the gentlemen from whom reports were asked, having been members of the congress, must have found, after so long an absence from their respective charges, an accumulation of duties which rendered it difficult, or, in all probability, impossible, however well disposed (and they were certainly all well disposed), to comply with the requisition made upon them.

The publishing committee will, therefore, retain the reports forwarded, and hand them over, for future use, to the proper officer, when the NATIONAL PENITENTIARY AND REFORMATORY ASSOCIATION shall have been organized and started on its beneficent mission.

XLIX. Echoes to the Cincinnati Congress from Europe.

The publishing committee have deemed it proper to insert, at the end of their volume, the following letters addressed to their chairmain, believing that they will be not only gratifying to the members of the American congress, but helpful to the project of an international congress:

1. *From* Florence Nightingale.

London, *Nov. 12th*, 1870.

Sir, — I am deeply indebted to your kind remembrance. Alas! how frightful has been the war interruption to our correspondence!

You will well believe that the present most terrible struggle of all the struggles in this world's history intensifies and trebles my preceding occupations and illness, and prevents my writing more than a bare acknowledgment of the great importance of your objects.

The point on which you did me the honor of asking my opinion, is one which I trust your able association will not let drop, viz.: the total inefficiency of our present laws and punishments for repressing theft, and the expediency of making thieves pay for what they steal. I open the day's paper, and see the following taken quite at random:

"A woman has for thirteen years, 1857 to 1870, obtained 'goods under false pretences' in various places, and considerable amounts, besides committing other robberies."

What have been the means taken for arresting this career of plunder of honest folk? These have been, to support her in prison during those years (at the expense of honest folk), where, according to her own statement, she "was more comfortable than anywhere else." One is not surprised, therefore, at finding that she further states, that, "for seven years" she had never been "more than one week" "out of prison." Had our laws been destined expressly for the encouragement of theft, could they have been more successful?

Pray believe me, sir (with many apologies for this hurried note, so unworthy of your great subject),

Ever your faithful servant,

FLORENCE NIGHTINGALE.

Rev. E. C. Wines, D.D.

2. *From the Rt. Hon.* Sir Walter Crofton, C. B., *author of the Irish Prison System.*

Winchester, *Nov.* 21, 1870.

Dear Dr. Wines,—I congratulate you most sincerely on the result of the Cincinnati congress. I am glad to find that the international congress still preserves its place in the minds of those interested in the progress of criminal reform, notwithstanding the unhappy state of Europe. Such a congress cannot fail to be of essential use.

In your discussions, I observe a desire to consider the ticket-of-license system and police supervision. In large towns, replete with temptation, I believe such a system will be found a necessary safeguard and a valuable adjunct to the convict system.

The newspapers you have so kindly sent me have given me a very good insight into the procedure of the congress, and I feel sure much good will result from the discussions and speeches being further published.

Believe me, dear Dr. Wines,
Yours, very sincerely,
WALTER CROFTON.

3. *From the same.*

Winchester, *Dec.* 8, 1870.

My Dear Dr. Wines,—Thanks for the papers which have just arrived. I am glad to find that you have been elected as the commissioner to organize the international penitentiary congress, but the post will be very onerous.

It is, I think, all-important that your mission should be associated as much as possible with your government, because it will give to it a weight which mere philanthropy cannot secure for it. I observe from the papers that this course is contemplated, and I should advise your pressing it.

It will be no trifling matter to induce governments to act, for the department concerned is in all countries so overworked that they do not hail with satisfaction the prospect of more labor. To be of real service, governments should show an active interest in the matter, and that they are really in earnest in desiring "prison reform." We shall then get good fruit from the congress.

If your government initiate the movement warmly, and gives you its support, and you also obtain the co-operation of the ministers at Washington, your path will be very materially smoothed. Philanthropists are so small a body that it will not do to depend on them. Sooner or later we must go to the government, if reforms are to be carried out; so it is as well to obtain their co-operation early.

I shall be glad to hear your plans when settled. Allow me in the mean time to congratulate you on the choice of your fellow citizens, and the public of all countries, on your appointment.

Believe me, dear Dr. Wines,

Yours, sincerely,

WALTER CROFTON.

4. *From* M. D. HILL, ESQ., *late Recorder of Birmingham, England.*

HEATH HOUSE, STAPLETTON, BRISTOL, *Nov.* 11, 1870.

MY DEAR SIR,—Seldom in the course of a long life have I been so much delighted as by the news contained in your letters of September and October last. The acceptance of the true principles governing the treatment of criminals by so large a portion of the people of your great republic, is a bright omen for the world at large.

You will, I trust, be able to accede to the wishes of your fellow countrymen in coming to Europe to forward preparations for the forthcoming congress. You may rest assured that my family, in all its branches, will do their best to make your stay in England as pleasant and profitable as we can.

I was much gratified to observe that your philanthropic labors, conducted as they have been with so much ability, knowledge and unremitting labor, are justly become highly estimated by your fellow countrymen, not merely in your own state of New York, but throughout the length and breadth of the union.

Hoping you are perfectly restored to health, and have overgotten the fatigues incident on your good work at Cincinnati,

I remain, dear sir,

Faithfully yours,

M. D. HILL.

5. *From the same.*

HEATH HOUSE, STAPLETON, BRISTOL, *Dec.* 9, 1870.

DEAR SIR,—I presume I am to thank you for an invaluable document received by post from the United States. I refer to a copy of the resolutions passed by the late prison congress which met at Cincinnati. Few events of my life have given me so much pleasure as I have derived from these resolutions, and from the knowledge that they are distributed throughout the length and breadth of the vast area under the government of your great nation. Your congress, an enlightened body of representative men from the various states which compose the union, sends forth its resolutions armed with high authority, and the effect to be produced will doubtless be of proportionate weight and permanence.

No better preparation for your congress to be held in Europe could possibly be devised, than the work you have done at Cincinnati, and surely the world will not be so infatuated as to permit wars to interpose obstacles to the realization of your wise and benevolent purpose.

Believe me, my dear sir, with constantly augmenting respect,

Your friend and servant,

M. D. HILL.

Rev. E. C. WINES, D.D.

6. *From Sir* JOHN BOWRING.

17*th Nov.*, 1870.

MY DEAR SIR, — I congratulate you most cordially on the great success of your Cincinnati gathering. It is satisfactory to cross the Atlantic, to turn away from the battle fields of Europe, and to repose somewhere, where philanthropy, instead of every evil passion, has been at work, — not for the destruction, but for the salvation of our race. It is indeed time that nations shall feel that "the baptism of fire and blood," is a most unholy rite, and that christianity demands not the initiative of hate, but of love, to bring about such a reformation. Let us all be fellow laborers!

Many thanks for sending me the journals. I hear that the papers read, and the discussions to which they led, are to be published in a volume. I hope this will be done for convenience of reference.

Would you kindly send a report of your proceedings to Thomas Bury, Esq., T. P., Melbourne, South Australia.

He is working zealously with us, and one is glad to hear responding voices from the antipodes. We move slowly, but *we move.*

Most faithfully yours,

JOHN BOWRING.

7. *From* MARY CARPENTER, *author of "Our Convicts," etc., etc.*

BRISTOL, *Dec. 7th*, 1870.

DEAR SIR, — I thank you for all the various documents you have kindly sent me respecting your congress, and am truly rejoiced that it was, in all respects, so satisfactory. I have no doubt that it will do great good, and awaken attention to important principles. I am also pleased to learn, from the N. Y. Observer, received to-day, that the congress is likely to have the benefit of your services as commissioner to organize the international congress, as your long and practical devotion to the cause cannot fail to be of great importance to the movement. Should you accept the position tendered, it will afford Mr. Hill and me much pleasure to welcome you to Bristol, and we shall afford you every information in our power. I hope you will take up your abode in my house.

I remain, dear sir, yours truly,

MARY CARPENTER.

8. *From Signor* M. BELTRANI SCALIA, *Inspector-General of Prisons in Italy.*

[Translation.]

MINISTRY OF THE INTERIOR, FLORENCE, *5th Dec.*, 1870.

VERY HONORED SIR, — I received, almost at the same time, your two letters of October 25th and 28th, and return you my hearty thanks for the details which you have kindly given me concerning the Cincinnati congress, as well as for the journals you were good enough to send me. If the proceedings shall be published, I trust that I shall not be forgotten in the distribution.

It would be a matter deeply to be regretted, if the papers which were read and the discussions which followed them should be lost to penitentiary science. After the congress of Frankfort-sur-Main (1857), the proceedings appeared, and it is to them that it owes, in great part, its renown and its importance.

The success with which your efforts have been crowned do not at all surprise me. The question of prison reform is closely allied to all the high problems of social science, and the whole world recognizes the necessity that this question move on toward a rational and practical solution. If your project shall be realized, that is to say, if you can accomplish the reunion of an international congress, with a programme well considered, well defined, and accepted in advance, I am sure that the end will be almost completely attained.

Yours, very truly,

MAR. BELTRANI SCALIA.

9. *From Mons.* A. CORNE, *Advocate in the Imperial Court of Douai, France.*

[Translation.]

SAINT-OMER, *Nov.* 21, 1870.

DEAR SIR,—I thank you for the cordial sentiments which you have been pleased to express, in your own name and that of the congress, on the occasion of the essay which I had addressed to you. I have received your letter, as well as the account of the doings of the congress which accompanied it — our communications with the rest of the world happily remaining open by Amiens, Rouen and le Mans.

I have seen with much satisfaction that the result of the congress was in accordance with all my hopes. When one brings as much zeal and devotion as you have, to the service of a just cause, it cannot be but that success will recompense such efforts.

I thank you, also, for the sympathy which you have been kind enough to express for our poor France, crushed, ravaged, inundated with blood, but which struggles still, and will struggle so long as there remains a breath of life, to protest against the spirit of conquest and absolutism. The whole of Europe seems upon the point of becoming a prey to war. What woes will be unchained if Russia, England and Austria enter, in their turn, into the struggle.

Accept, dear sir, the assurance of my most devoted sentiments.

A. CORNE.

10. *From Baron* FRANZ VON HOLTZENDORFF, *Professor of Law in the University of Berlin.*

[Written in English.]

BERLIN, 13*th Dec.*, 1870.

MY DEAR SIR, — I have the pleasure of sending you the catalogue of select books relating to the prison question in Germany, hoping that it will arrive in due time.

My purpose was to furnish the American prison congress a paper on the general issues of the European prison reform. War, however, has prevented me from accomplishing my most ardent wish, viz.: to participate in the noble work performed at Ohio. I am convinced, you and your countrymen will fully appreciate the validity of my claim for your indulgence. Nothing else would have detained me but a mission intrusted to me, of helping our wounded soldiers near Sedan. Besides this, I have given special care to the French prisoners, trying to procure from Belgium and Switzerland an ample supply of books for their reading in leisure hours. My call has met with the greatest possible success, and a small committee, formed under my presidency, has been able to effectually alleviate the miseries of war prisoners, great enough even among the most humane superintendents in Prussia.

I have got the newspapers reporting on the prison congress; and have written an article on the same subject for my Journal of Criminal Law. As soon as it is out, I will send it. Allow me to congratulate you on account of the most gratifying testimonial which the congress has offered you.

Believe me, my dear sir,

Very faithfully, yours,

FRANZ VON HOLTZENDORFF.

JAN 19 1950